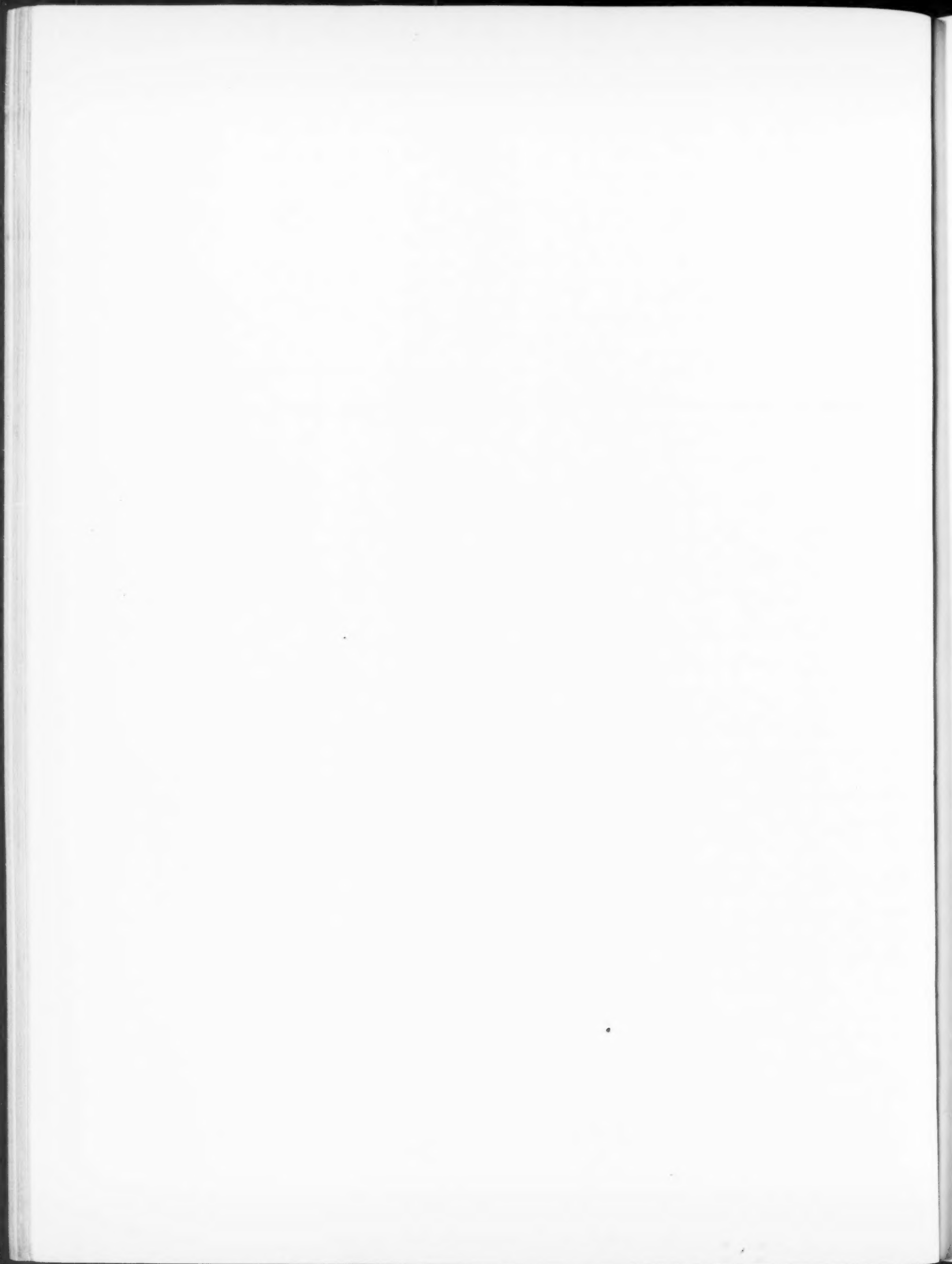

APPENDIX.



APPENDIX

TO THE

CONGRESSIONAL RECORD.

Settling Private Land Claims.

SPEECH OF HON. TRINIDAD ROMERO,

OF NEW MEXICO.

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, December 17, 1878,

On the bill (S. No. 376) to provide for ascertaining and settling private land claims in certain States and Territories.

Mr. ROMERO. Mr. Speaker, I desire to make a few remarks on Senate bill No. 376, now before this body, for ascertaining and settling private land claims in that portion of our eminent domain acquired of Mexico by the treaty of Guadalupe Hidalgo in 1848, and the treaty with the same power in 1853, better known as the Gadsden purchase. The land thus acquired contains many millions of acres and sustaining a large population embraced within the political divisions known as the Territories of New Mexico, Wyoming, Arizona, and Utah, and the States of Nevada and Colorado.

I was born and raised in this acquired territory, and knowing the people, especially those whom I immediately represent on this floor, I feel it to be a duty to them, as well as to the Government under which we live, to add my views to the general stock of knowledge upon the subject-matter.

The bill before us, as I understand it, I will briefly summarize, that corrections may be made if wrong, and to enable those who have not been able to read it over carefully to understand its general features.

It provides that any person claiming any portion of these lands can petition the local district courts of the United States at any time within three years after this bill has become a law to have their claims inquired into and decided upon the proof presented; and after due notice, and if no opposition is made, a final decree shall be made to settle and determine the question of the title to and boundaries of the same according to the principle of the law of nations, the stipulations of the treaties named, and the laws and ordinances of the government from which the claim is alleged to have been derived, and to settle all other questions affecting the title. In case there are rival claimants and the decision is not satisfactory, the dissatisfied party has a right to appeal to the Supreme Court of the United States for a rehearing, when additional testimony may be introduced to enable the court to determine the question of fact as well as law. The United States district attorney in the State or territorial courts, if not approving the decision, has also the right to appeal if upon representing the case to the Attorney-General of the United States that officer deems it for the interest of the Government to carry the case to the highest court. When a final decision is reached, the President of the United States is to issue a patent for the land in accordance with the decree.

It will be observed that very properly the interests of all persons, as well as the Government, claiming to have any rights are carefully guarded by giving facilities and a full opportunity to be heard, to the end that no injustice or illegal act may be done, each step in the proceedings being designated even till the final issue of the patent.

While there are some features about this bill which do not meet my entire approval, I believe it the best that can be obtained, and I most cheerfully yield my opinion to those expressed by the committee having the matter in charge.

THE OLD LAW.

To show how onerous, vexatious, and expensive the settlement of these claims have been under the old law, I will briefly allude to that. These claims are now settled under the eighth section of the act of July 22, 1854, by which the surveyors-general in the States and Territories are required to investigate all claims under Spanish and Mexican grants, to report upon their validity through the Secretary of the Interior to Congress for confirmation, after which the lands are surveyed and another long formula is gone through with,

requiring, as experience has taught us, on an average about twenty years to get through a single claim, and then the patent is issued by the President, the same as is proposed in this bill.

It might as well, perhaps, be stated here parenthetically, so that the whole facts may be before the mind's eye in one group, that the lands acquired of Mexico and now embraced within the limits of the State of California are not affected by this bill. Congress, in 1851 I think it was, with great foresight and creditable expedition passed a law for that State similar in all its main features to the bill now under consideration, and it has given universal satisfaction.

The defects of the present modes of settlement are obvious to every one who has paid the least attention to the subject. On the other hand, the proposed bill meets with the approval not only of the officials of the Interior Department who are familiar with the subject and the workings of the old law, but as far as known it meets the universal approval of all persons directly or indirectly interested in the settlement of these claims, be they residents in the acquired territory or not. I speak advisedly upon this point, having given considerable attention to the subject, especially during the last two years.

Some of the objections to the present law, as officially expressed, should have great weight with all who may wish to vote intelligently on this bill. The Secretary of the Interior, the Commissioner of the General Land Office, the chief clerk of his department, all of whom are by their long experience thoroughly familiar with this matter, unite in saying some of the chief objections to the present plan are that it is not sufficiently speedy to do justice either to the claimants or settlers or to the United States. It does not secure the requisite ability for a proper settlement of such grants, nor does it provide for the settlement of all such claims the protection of which is guaranteed by treaty.

What an admission is this! That for about thirty years we have had no law under which we could settle all the claims required of us in a treaty with a friendly power! This certainly is an anomalous state of affairs, and if these officials speak the truth, and we all know they do, the remedy should be applied by passing this bill at once. We not only owe it to the friendly nation on our border from which we acquire the territory, but we owe it to the people who owned and lived and where they and their descendants now live as loyal, faithful citizens of the United States. They have discharged all their duties to the Government, and under adverse circumstances what is the plain duty of the Government to them? Their rights should be jealously guarded and thereby encouraged in the course they have begun. The history of Alsace and Lorraine is before us; there was annexation under somewhat similar circumstances; these provinces were acquired by Germany, and compare the course of the people there with those occupying our acquired lands. But I do not propose to pursue this point further, and only briefly allude to the facts to show that the residents of our acquired territory are good citizens, and deserve and should receive the fullest protection at the hands of the Federal Government. That is in the bond! We as a great nation cannot afford to break it if so disposed.

In this connection I desire to cast no reflection in any remarks I may make upon the character of the surveyors-general. It is nothing against them to say that they have not the "requisite ability," because the questions they are called upon to decide are mainly questions involving a knowledge of law, and that is not their profession. The decisions made are for courts of law and not for laymen to decide. I am willing to say and do believe that as a rule the surveyors sent into this Territory understand their profession, and so far as I know them that is all they profess to understand; at all events I never heard of one claiming to be learned in the law.

Of the thousands of claims presented for adjudication less than one hundred have been confirmed by Congress, thus showing conclusively by practical facts that this business, which, in the opinion of every well-informed person, should be entirely disposed of—the whole of it—within a period of three years, will, under the operations of the present law, in all human probability, as a high official of the Government has said, be carried into the "far-distant future" before

disposed of, and claimants must wait and wait without remedy under the law and their grants remain almost worthless.

This is the mode of acquiring or perfecting titles in this vast region of territory as it has existed for twenty-five years or more. Relief has been extended to the people of California; why not to the residents in the remaining portion of this vast empire, sparsely populated though it be? It is policy to do it; it is justice to do it; it is equity to do it. Why, then, hesitate? Are we so poor that none will do us even justice? I do not believe it. When I leave this Hall for the last time at the close of this Congress, never more to occupy a seat upon this floor, I wish to be able to say, with a clear conscience, the Government will deal with you justly; you shall have all your rights; you are not an ignored people.

The proceedings under the present law are not only vexatious and expensive to individuals, but in many cases the long delay practically amounts to the confiscation of the property of claimants, and without, as a rule, the Government securing any direct advantage; for the grants under the present law, when there are no means of testing the accuracy of the investigation by the surveyor-general, the title is more than likely to be confirmed to parties who really before had no legal title. The Commissioner, Secretary, Congress, and President, unless there is conflict as to title, all alike have to depend upon the facts as gathered by the surveyor-general. There is no means afforded for obtaining additional or confirmatory testimony as to the claim. Just imagine for a moment what a temptation there is here thrown out for the designing sharper who is familiar with a claim to take it up where the owner and his heirs have either died or have been tired out so far as to abandon their rights.

All this can be avoided by the passage of this bill, for under it titles can be perfected in from one to three years at a moderate expense as compared with now. This expeditious manner of doing the business would be of immense value to the Government as well as to individuals. It would be worth considerable just to know how much land we have even if we wanted to give it away, and just where it is located; but under the existing law we have the official warning that this never can be known until in the very "distant future." To-day if a land-owner wishes to sell he can find few or no purchasers, because unable to give more than a quit-claim deed. People are not buying land in that way to-day. They move on, no matter what other attractions there may be. If no clear title can be given they go where they can get one; they prefer all other disadvantages in a homestead to this one, and they are right.

This bill absolutely protects the interests of all parties. A man holds a grant for land and goes up to the court and asks for an investigation of his claim under that grant with a view to obtaining a patent—what is done to avoid mistakes and to ascertain this man's rights? Let us see: first, he has to present a petition in writing to the judge setting forth fully the nature of the claim, date, form of grant, concession, warrant or order of survey under which the claim is made; by whom made; the name of any person or persons, if any, in possession or claiming the same or any part thereof; the quantity, boundaries, where situate, with a map showing the same as near as may be; whether the claim has ever been considered before. This is a part merely of the preliminary work. The court is told what to do and what to require. If there are other claimants they have to be personally notified; if not, public notice has to be given any way to see if any one can be found to oppose the application. There are prescribed forms for proceeding at every step taken, and after these precautions an appeal is provided for in any event to the Supreme Court of the United States. Under these proceedings no claim as against them would go a year undetermined. There would be only the machinery of courts to work with.

I wish here to impress upon the minds of all what, so far as I know, is generally forgotten in discussing this question, that no matter how perfect the title before the territory was acquired, it has to be, under a treaty stipulation, investigated and a patent therefor issued by the President of the United States after such investigation before the holder of a grant can give a real title. He may sell his rights but cannot give a deed in fee. On the other hand, under the treaty all rights or semblance of rights acquired before it are respected.

Vexatious! Why I have known initiatory proceedings to be commenced by people who have died before ever reaching the Department, bequeathing to their heirs more trouble than they ever dreamed of. Sometimes proceedings have had to be commenced *de novo* by reason of the death of witnesses, loss of papers, and kindred accidents so liable to occur in an unsettled or sparsely populated country, thereby involving so much expense that cases have happened where the parties in interest, impoverished by delays and expenses, have been unable to proceed and have abandoned the unequal contest in disgust.

It is only necessary, I think, Mr. Speaker, to recite in brief the many steps which have now to be taken to procure a patent to convince the members of this body of the importance of passing the bill now under consideration and of the injustice and injury done to the country by enforcing the existing law.

As before stated, holders of grants under Spanish or Mexican titles can only obtain rights in fee-simple under treaty stipulations except through a patent signed by the President of the United States. To obtain this, application must first be made to the local surveyor-general, who is supposed to thoroughly investigate as to the legitimacy of the grant, which is a long and tedious process; then the evidence, accom-

panied by maps of the property claimed, is examined by the Commissioner of the General Land Office and forwarded to the Secretary of the Interior with his recommendation; that official forward everything to Congress, with his recommendation, and when reached in this body and a favorable committee report has been made and adopted, then the papers are returned through the same channel to the surveyor-general, who has the land surveyed and in due time reports back to headquarters. In the mean time, from motives of cupidity or others equally dishonorable, other claimants appear to complicate matters, and it is not until all these are disposed of that a patent will be issued.

It is not, therefore, to be wondered at that people having legitimate claims hesitate to begin, or fall by the wayside after they do begin, to attempt to secure their rights or that the section of country affected is sparsely populated or so far behind in material advancement than more favored sections of our common country.

In this connection it should be borne in mind that there is in the existing law no provision for correcting any errors made by the surveyor-general—the evidence upon which his decision is based being the only facts upon which his own decision can be confirmed, unless evidence is introduced by other claimants. Neither the Secretary of the Interior, the Commissioner of the General Land Office, Congress, or the President, has any means of establishing the correctness of the surveyor's facts furnished, except in the incidental way stated. In a word, the surveyors-general, in the pointed language of the Supreme Court decision in the case of *Tameling*, plaintiff in error, *vs. The United States Freehold and Emigration Company*, in appeal from the supreme court of the Territory of Colorado, "are clothed with large powers and required to decide upon the validity of each claim." The proposed law is a procedure essentially judicial in its character and provides for an adjudication of claims, with the right of ultimate appeal by either claimant or the United States to the Supreme Court of the United States.

THE TERRITORY OF NEW MEXICO.

The present law in its application to the Territory which I have the honor to represent in the character of a Delegate in this body is peculiarly unjust, irksome, and oppressive in its effects upon my people. It retards progress and crushes enterprise, for it is impossible to sell land for what it is worth without the ability to furnish a clear title, and immigrants turn aside and go to localities less favored by nature because of the impossibility to tell which is public land subject to appropriation and settlement under the land laws; railroad enterprises are retarded because the Government cannot extend aid until the private lands are segregated from public lands, and this cannot be done in the life-time of any man living to-day under the present law.

In the bill this situation is provided for. That nearly all kinds of business are at a stand-still can be easily inferred. Of her 77,568,640 acres of land less than 8,000,000 have been surveyed, so as to be put in the way of perfecting titles. Last year only 1,114.65 acres were sold for cash and revolutionary bounty-land scrip, and 3,361.87 acres were entered for homestead settlements. Not an acre was taken under the swamp-land act. Less than \$1,000,000 in gold, silver, and copper was taken from her mines, though some of the best are known to be within her borders. The progress of seven railroads, namely, Atchison, Topeka and Santa Fé, Galveston and La Veta, Denver and Colorado, Southern California, and two from Utah, are checked in their progress as it were on the very borders of the Territory, because the lands have not been surveyed so that private property can be distinguished from public. Only five private land cases were disposed of in the General Land Office last year, and only one donation land claim was patented. Of the \$300,000 appropriated by Congress in 1877 for surveys of public lands and private land claims, only \$30,500 was applied to New Mexico. Of the 565 mineral entries made under the mining laws last year there was not one entered from this Territory, known to be so prolific in minerals. Not a single acre of land was located under military land warrant acts of 1847, 1850, 1852, and 1855. Her population is less than 125,000. These are some of the disadvantages under which this Territory labors to-day, the most of which would be removed or remedied at an early day under the operations of the proposed law.

Now look, if you please, a moment at what New Mexico is according to the representations of all classes of travelers, on business for the Government or otherwise, public or private business or pleasure, as well as of those born and raised there like myself, who speak from a full knowledge obtained by personal observation during all their lives. New Mexico contains 121,200 square miles, or a little less than seventy-eight millions of acres—a territory twice the size of the six New England States, and almost equal in extent to the three great States of New York, Pennsylvania, and Virginia. The proportion of this land capable of being used for agricultural and other profitable purposes is certainly equal to that of any of the surrounding States or Territories. With an average altitude of about 5,000 feet above the sea-level, a general southern inclination, cut up by numerous rivers and interspersed by virgin forests, her climate is said to be equal to that of any other spot on the habitable globe to prolong life, and coupled with her many mineral springs is a sanitarium far superior to Florida, Madeira, or Nice. The air is as dry as that of Egypt; the winters are so mild that stock is never housed; the summers in most parts are cool, the salubrity being such that the country is absolutely free from all causes of disease. Its mineral resources will not be sur-

passed, it is believed, when developed, by those of any other State or Territory; its immense agricultural capacity, varied productions of its soil; its estimated thirty-five million acres of virgin forest; a country drained by the Nile of America—the Rio Grande, 1,800 miles long—and “the scenery,” as described by Dr. Hayden in his official report, “wild, grand, and varied as any found amid the Alpine heights of Switzerland;” the general face of the country, high plateau, traversed by ranges of mountains; rapid streams flow through fertile valleys, its rivers forming part of the water-system of both the Atlantic and Pacific slope; malaria entirely unknown; its variety of climate, temperate in its northern and more elevated parts and semi-tropical at the south; the summer days in the lower valleys quite warm but not debilitating, owing to the air being so rarefied by elevation; the soil easy of cultivation and susceptible of producing everything known to these climates. With all these natural attractions it is not to be wondered at that there is a constant and great desire to obtain property in the Territory.

It is confidently believed that under the operation of the proposed law New Mexico would move forward in the progress of civilization and increase as rapidly in population and material wealth as California did under the influence of a similar law passed for the benefit of that State in 1852. The people are moreover loyal to the Government and contributed their full quota to its support during the late civil war, a fact under the circumstances of significant import; for it is terrible to think what would have been the result of that contest had these border places united with the common enemy. This is New Mexico.

It is important, moreover, in the opinion of well-advised statesmen to have these titles settled now while the lands are comparatively cheap and there is not the inducement to get up fraudulent claims as there will be in the near future—an illustration of which fact can be seen in the contests in California.

The bill is approved apparently by everybody, and, limiting as it does the presentation of claims to three years and after that time forever barring them, will have a tendency to bring all rightful claimants forward, and at an early day the Government will have at least fifty million acres of land or more for settlement—a no small consideration to prompt action, in view of the desirable character of the country and the steady and increasing flow of immigrants upon both the Atlantic and Pacific coast. The climate will tempt the invalid, and the agricultural and grazing lands and low prices will tempt the farmer to come there; the private lands segregated will enable the railroad companies to proceed without running embarrassing risks; the holders of land-warrants will be able to locate in safety; from these and other natural causes immigrants will flow in, increasing both the population and resources of the Territory and nation. Pass this bill and the whole enterprise of the people will be aroused; it will save legislation, expense, personal disputes, and prevent bloodshed.

The great Southwest should be encouraged in every legitimate way by Congress. In the not distant future it is believed it will supply the larger portion of the civilized world with meat as well as with minerals. Once this section is opened up to settlement and the transaction of business, with the facilities and laws now afforded California, the march of progress will be as rapid as that of California. With this bill made a law its rapid progress is assured. The people of my Territory are suffering from delays in the transaction of business. This law will vastly improve their condition. Further delay will tax the patience of a loyal people and have a tendency to bring the Government into disrepute. To many it will bring financial ruin. Hundreds, if not thousands, of men after going to the expense of locating and making extensive improvements have in the end lost all through ignorance of what was required under the present complicated law, the want of means to contest their rights, or the misfortune not to obtain, or if obtained losing, the evidence required through long delay, the death of witnesses, or destruction of written evidence. Millions of dollars' worth have been lost in this way by individual claimants.

International Railroads.

SPEECH OF HON. W. A. PHILLIPS,

OF KANSAS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 14, 1879,

On the bill H. R. No. 112 and the construction of international railroads between the United States and Mexico, and opening up commerce with the same.

Mr. PHILLIPS. Mr. Speaker: it is not from any local or sectional interest on the part of the people I represent that I venture on this occasion to call the attention of this Chamber and to invoke its interest for a measure the initial step of which is House bill No. 112. I present and wish to press its subject-matter on you from a deep interest which I take in general measures of national and international importance, which have, unhappily, been too long neglected.

ORIGIN OF THE BILL.

During the closing session of the Forty-third Congress Mr. Town-

send, of Pennsylvania, introduced in the House, and Mr. Hitchcock, of Nebraska, presented in the Senate, a bill to authorize the Secretary of War to make a survey and report of the best route for postal and commercial purposes from Austin, the capital of Texas, to Topolovampo, a newly discovered bay on the west coast of Sinaloa, Mexico, about midway between Mazatlan and Guaymas. The said bills were referred to the Senate and House Committees on Pacific Railroad, and were there explained by Mr. A. K. Owen, a civil engineer, who had paid two visits to Mexico, traveled five thousand miles over its plateaus and cordilleras, and who had given to the public the knowledge of the said bay of Topolovampo and suggested that it be connected with the Texas railroads. The Senate committee referred the subject to the Secretary of War, and he appointed a board of United States engineers, and the survey was examined and approved by the Secretary of War and returned to the Senate committee during the first session of the Forty-fourth Congress, and as the bills had been reintroduced and referred to the same committees they were passed upon and favorably reported to both Houses. Owing to the political confusion that marked the closing period of that memorable Congress it was impossible to reach them, and once more a measure that had commended itself to the judgment and aroused the interest of all who had examined it was unfortunately postponed. During the first session of the present Congress the subject was again introduced in the Senate by Mr. PADDOCK, of Nebraska, and in the House by Mr. WARD, of Pennsylvania. These measures were again referred to the same committees; again they were examined and passed upon, and once more reported unanimously to the two Houses, and stand House Report No. 621 and Senate Report No. 217. It remains for this House to pass upon them, and I desire to press their consideration, hoping that the rush of other business will not force us once more to neglect a subject of such vast importance.

PRECEDENTS.

Mr. Speaker: it is not an unheard of thing for our Government to make surveys in our own and in foreign lands. From the surveys of George Washington, civil engineer for the colony of Virginia, and the pioneer explorations of Lewis and Clark to look out a highway from the Mississippi to the Pacific Ocean, it has been a constant purpose with our administrations to push examinations and surveys into out-of-the-way places, for the purpose of promoting commerce, advancing science, and laying a wide and permanent basis for diversifying our industries and advancing our civilization. From 1853 to 1868 the War Department made some fifty or more distinct surveys for postal, military, and commercial roads along the thirty-second parallel and north to the boundary of the British Possessions. From a still earlier date up to the present moment our Navy Department has expended large sums of money and sent expeditions yearly to survey, to map, and report rail and canal routes across the isthmuses of Tehuantepec, Honduras, Nicaragua, Panama, and Darien. These surveys, numerous as they have been, fall short of the number which have been sent to discover to us, to map, and to report the coasts, bays, and rivers of Japan, China, the South Pacific islands, to say nothing of the expeditions to the North Pole, to the Amazon River, to the Dead Sea, and similar commissions; and, Mr. Speaker, while I now address this Chamber there is a United States vessel *en route* to the coast of Africa and the East India islands, especially instructed to report the Congo River and its relations to the “black continent” and to settle the boundary line between British Possessions in Africa and Liberia. We have a bill upon our Calendar that another expedition be commissioned and appropriated for, that further attempts be made to reach “Symmes's Hole,” or to see whether the North Pole is a Georgia cypress or a Maine pine. I desire to say here that I consider all of these enterprises commendable, not only from a scientific point of view—and surely science has just claims upon our people and country—but they have also great commercial importance. Any fair and sensible measure of this kind has, during my service in Congress, never failed to awaken my interest or receive my support.

It may be suggested, Mr. Speaker, by some member on this floor, that the surveys under the War Department, on and north of the thirty-second parallel, were in our own country, and, therefore, are not precedents in the present instance, as it is now proposed to cross the northern states of another republic; but, Mr. Speaker, the surveys of John C. Frémont were authorized by Congress, and from 1842 to 1847 he made some four or more expeditions into and across Mexican territory, penetrating on two occasions quite to the Pacific Ocean. In 1806 General Z. M. Pike, U. S. A., and in 1819–20 Major Stephen H. Long, U. S. A., made similar explorations into New Spain, especially commissioned by the Department of War. The surveys, and there have been several across Tehuantepec, in Southern Mexico, by our naval officers, give further precedents so far as concerns the crossing of Mexican possessions, and the latter surveys were particularly acceptable to Mexico, and commissioners from that government, in several instances, accompanied the surveying parties. Again, Mr. Speaker, some of my learned colleagues may say that ocean routes and rivers, and interoceanic canals and railroads are for promoting the “world's commerce;” that they are international in importance, and should, therefore, be especially cared for in our legislation. For that very reason, Mr. Speaker, and in the same spirit, I urge that we direct the Secretary of War to report the feasibility of pushing our existing system of railroads across Mexico to the Pacific Ocean, as it promises

to give every district in the Mississippi basin, and east of it, many hundred miles shorter land carriage in getting to and from the Orient, and to the west coasts of Mexico, Central and South America, than they now have. The friends of the measure do not hesitate to say that its report will hasten the extension of our railroads into South Mexico, and thereby connect our sister republic with comfortable and quick communication with the United States and Canada.

TOPOLOVAMPO BAY.

Mr. Speaker: the Columbia River was discovered in 1792 by Robert Gray, of Boston, and by virtue of his discovery became our first port and outlet on the Pacific Ocean. England, however, true to her instincts for piracy and monopoly, hastened to interfere with us in enjoying this foothold looking toward Asia. President Jefferson sent the Virginians Lewis and Clark, via the Missouri, to search out an overland route to the Columbia River basin and to the bay at the mouth of that river, to the end that our trappers and traders be aided in holding and utilizing this important outlet for the United States. Six hundred miles south of the Columbia River is the superior and world-renowned harbor of San Francisco, which was mainly secured to us by the explorations of John C. Frémont. Four hundred and forty-one miles south of San Francisco is the popular harbor of San Diego, which gives the thirty-second parallel route its importance. Six hundred and fifty miles from San Diego in a straight line, or nine hundred and thirty-six miles via Cape Saint Lucas, is Topolovampo, the object of the survey under consideration; while Acapulco and Panama lie respectively seven hundred and eighty-four and two hundred and twenty miles down the coast. Remarkable I think it is, Mr. Speaker, that these perfectly sheltered commercial havens on the west coast of our continent occur at distances so nearly regular. There can be between them no jealousy or rivalry save that which springs from a just emulation. They are separated by intervening distances of half a thousand miles. Each has a back country immediately its own; lands which are empires in extent, with populations, mines, and inexhaustible agricultural resources.

If we examine with care, Mr. Speaker, the radii drawn from the metropolitan and industrial centers, situated in the great Mississippi Valley, and between it and the Atlantic Ocean, such cities, for instance, as Chicago, Saint Louis, Memphis, Vicksburgh, New Orleans, Washington, Detroit, or Quebec, we will find that the lines are longer in reaching the Pacific at the Columbia River than those drawn to San Francisco, and that those drawn to San Francisco are longer than those drawn to San Diego, and that those drawn to San Diego are longer than those drawn to Topolovampo, and that those drawn to Topolovampo are shorter than any that can possibly be drawn to any harbor further south. Consequently great importance is given to the proposed survey from this, the fact, that Topolovampo Harbor holds possession of that point on the Pacific Ocean which may be called the apex of the great commercial V of the continent of North America; and if it is shown to be readily accessible to and from our existing lines of railroad, then it must prove a great boon to our Central, Southern, and Eastern States, for their postal, commercial, and social exchanges.

Mr. Speaker: we are not left in doubt as to the capacity, convenience, and safety of Topolovampo Bay. Our Navy Department has made three separate surveys, with maps and reports upon the same. From these it appears that it is a harbor of first-class importance, affording in every respect commodious and secure anchorage. It contains fifty-four square miles of water surface, twelve of which—an area equal to twenty-four times the anchorage area of Guaymas, to twice that of San Diego, and to quite that fronting the cities of New York, Jersey City, Hoboken, and Brooklyn combined—are sufficiently deep for the largest steamers and merchantmen. This anchorage is sheltered from all winds, and is easily reached from the Gulf of California, even at low tide, by vessels drawing twenty feet of water.

As to the suitability and excellence of this harbor, therefore, there can be no doubt. Topolovampo is evidently destined to be a commercial entrepot of the first importance. The Hydrographical Bureau has furnished in its charts and maps all we need as to the harbor, and it now remains for the War Department to give our people as reliable and as impartial a survey on the land as the Navy Department has on the water, that we may utilize so advantageous a position on the South Sea for all exchanges on the west coasts of Mexico, Central and South America.

THE NEARNESS OF TOPOLOVAMPO TO IMPORTANT CENTERS.

In transportation, Mr. Speaker, it is the land carriage that costs the most. To bring our distributing cities to the nearest and most accessible point on the Pacific Ocean, and thereby to lessen expenses for freights and passengers, is certainly an object which should have our early consideration and prompt encouragement. In general terms all cities in the lower Mississippi, Middle, Southern, and Eastern States, will gain in going to Topolovampo about eight hundred miles over their route to San Francisco and about four hundred miles over their route to San Diego. Every seaport on the Atlantic, from Maine to Texas, will have a shorter line to the Pacific than can possibly be had at any port north or south of Topolovampo. The line of this proposed survey being relative to our Republic on an extreme southern parallel, it is the counterpart of the extreme northern line from Duluth to Puget Sound.

If a feasible railroad route should be found, and all that is already

known of it gives us such assurance, its direct and greatest benefits will be to the Gulf, South Atlantic, and Lower Mississippi States. Galveston is our extreme southern port of commercial importance. It has a railroad running to San Antonio, 257 miles distant. From San Antonio to Topolovampo the distance is but 670 miles. Should the line of a good track be 700, however, which it would not exceed, this, added to the 257 miles already built, makes a land portage of but 957 miles from the Gulf of Mexico to the Gulf of California. The distance by sea from New York to Galveston is 2,000 miles. Hence New York shippers could send from that port to Topolovampo, via Galveston, over a route but 3,000 miles long, two-thirds of which would be by water. From Galveston to San Diego, via Houston and Dallas, the distance is 1,804 miles, of which 1,457 miles are still to be built. The Galveston shippers would reach the Pacific at Topolovampo by a route 847 miles shorter, and of that less than 700 miles of track is yet to be built. New Orleans is connected by a direct line to San Antonio, complete, with the exception of 140 miles now building, and by the proposed line it would be but 1,253 miles from Topolovampo, of which over one-third is completed. In going to San Diego by the proposed connections with the Texas Pacific, the New Orleans merchant would have to travel 1,750 miles or more, which is at least 500 miles further than to Topolovampo. At present persons from New Orleans to the Pacific by rail have to travel to San Francisco, a distance of 3,120 miles, and from Mobile 3,060 miles. The route to Topolovampo from New Orleans would be 1,867 miles less, and from Mobile 1,682 less. Saint Louis has continuous railroad to Austin, Texas, a distance about 865 miles. From Austin to San Antonio direct, by line of track soon to be built, the distance is 85 miles.

From Saint Louis to Topolovampo, via Austin, the distance would be 1,650 miles, only 785 miles of which are yet to be completed. From Saint Louis to San Francisco, via Omaha, the distance is 2,258 miles, or 608 miles farther than to Topolovampo. From San Antonio to Eagle Pass it is but 130 miles, thence to Leon 700 miles, thence to the City of Mexico 300 miles farther, equal to 1,130 miles from San Antonio. Adding 950 miles for the distance from Saint Louis to San Antonio, and we have 2,080 miles from Saint Louis to Mexico City, or four days' travel by rail.

Mr. Speaker: a survey that may encourage our railroad men and capitalists to complete such much-needed lines of intercommunication between the great centers of Mexico and the United States certainly should be sent forward by us with dispatch.

THE IMPARTIALITY OF THE PROPOSED SURVEY.

Mr. Speaker: House bill No. 112 is an exception to most bills brought before this Chamber, in having been suggested to the end that there be published reliable information to our business and enterprising men, and not that special persons or districts be solely benefited. In the House committee's report we are told that the survey "is urged in the interest of the whole country, and is independent of particular individuals, organizations, or sections, so far as has come to the knowledge of your committee." The engineer who suggested the survey appeared before our committee in its explanation alone, and in going and coming was unsupported and unaccompanied by any one whose ever; and as the bill has been before Congress for three years, standing alone upon its merits, it seems to me that it is a duty we owe ourselves and those we represent, as impartial legislators, that we will weigh well the claims it has upon the public attention, and if the measure be really one so vital to the business interests of the country and so essential to its progressive development, that we pass it forthwith. For, I regret to say, Mr. Speaker, that the country at large is inclined to doubt if we ever pass a measure of like import unless it be supported by powerful or questionable influences.

THE ZONE OF CONTINENT TO BE OPENED TO OUR COMMERCE.

Mr. Speaker: the State of Texas borders on Mexico for a distance of about nine hundred miles. The Rio Grande, which forms the dividing line, is great only as regards its length. It is navigable for river craft drawing four feet of water not further than Laredo. In many places it is fordable. At points it can be crossed during the dry season without wetting one's boot tops. Certain it is, that the Rio Grande does not present an impassable barrier to the extension of our lines of travel. Measured at right angles from the west boundary of Texas to the waters of the Pacific Ocean, the belt of continent is from four hundred and fifty to six hundred miles wide, containing an area of about four hundred and fifty thousand square miles. This constitutes nearly one-half of the Republic of Mexico, and is equal in size to ten such States as Pennsylvania. And yet, Mr. Speaker, this vast empire of country, the very center of which lies within a day's ride by rail of the 14,086 miles of the steamboat-traveled waters of the Mississippi and its tributaries, and the border of which is but 130 miles west of San Antonio, Texas, the southwestern terminus of our 80,000 miles of completed railways, is actually a "black continent." We almost know as little of it, its identity and character are almost as little published, as the country that lies bordering on the Congo River, to which we have just commissioned a surveying and exploring party.

True it is that now and then we meet with an adventurer, some searcher after silver and gold and flocks, who has penetrated into that country and has returned to tell us that it is a land marvelously rich in everything that adds to make man useful, prosperous, and happy. Yet to the ordinary citizen of the United States that great

wilderness of region is pictured to his mind's eye as a burning, waterless, treeless alkali plain, overrun with wandering, shiftless, murdering Indians and half-breeds—a land cut off from intercourse with the Pacific Ocean by impassable cordilleras, which overtop the Alps and Andes, interesting only for their grandeur and pictured to our minds only by the idea of their inaccessibility. Capitalists and railroad men, always timid and conservative, will not venture into such a region in advance of reliable surveys and reports. Had the engineers of the United States never been commissioned to report the great plains and mountains lying between the Mississippi and Pacific our civilization would yet be confined to the narrow belt bordering on the Atlantic Ocean, and the Columbia River, San Francisco, and San Diego would have been the bases for a commerce of a people other than our own.

It is said, Mr. Speaker, that "charity begins at home," and I believe that surveys should also; that in our commendable zeal to survey the Congo River, East Indian islands, waters in Brazil, and channels through the icebergs of the frozen North, we should not do so to the neglect of an India at our threshold—a country that borders on our own for 1,573 miles, a land as large as France, Spain, Austria, Lombardy and Great Britain combined, containing ten millions of republicans, having a trade worth hundreds of millions of dollars every year if properly managed. It is a little ludicrous to think about that we should have more reliable information of the lakes and mountains and agricultural spots on the moon than we have relating to our next-door neighbor, Mexico. Yet such is the case. That we have neglected up to this late date to extend our overland lines of communication and friendship into and across Mexico is one of the most damaging facts connected with our claim to be a highly commercial and progressive nation, and the historians will so note it.

THE UNITED STATES MUST MAKE THE SURVEY.

Mr. Speaker: it may be asked why Mexico does not make this survey, being that it is for the most part through her states. I answer, because Mexico has not a corps of engineers, nor are the Mexicans yet a railroad-building people. It has been the misfortune of our sister republic to be surrounded with the social life, customs, and rude civilization of three centuries ago, and to share but little in the mechanical progress so brilliant and valuable in the United States. We must bear in mind that while we came into existence as a nation under the progress and enlightenment of advanced mechanical people Mexico was the offspring of that fifteenth century darkness which found its reflex in Anahuac in the days of Cortez. While the heritage of the United States was free schools and patent laws, Mexico had entailed on her a heritage of fratricidal war. Her progress was checked by political chaos, her enlightenment clouded by the bigotry of class. Terrible has been the struggle of our neighbor republic to shake off that accursed heritage, and nobly and at last in some fair degree has she accomplished her work.

The gentleman from New York, [Mr. Cox,] then a member from Ohio, in his memorable speech upon this floor in 1859, said that "these vicissitudes continued for more than a quarter of a century—nay, for half a century—from the first struggles in 1809, with not five consecutive years of repose. The fields of Mexico have been fertilized with the blood and bones of her children. Internecine feuds, more infuriate than foreign invasions, have disturbed her prosperity and blasted her hopes. During this period she was twice attacked by Spain, once by France, and once conquered by the United States. Yet, in spite of her marauding Indians, her thieving lepers, her internal feuds, and her foreign invasions, her energies have been wonderfully recuperative, and her resources seem inexhaustibly bountiful. What might she not become with a liberal protection given to her industry, her commerce, and her property?" Since the gentleman from New York so eloquently and truthfully described the wars of that unhappy people Mexico has had long years of conflict with the armies of Napoleon III, and with monarchical-inspired persons among her own people; but she has triumphed over them all. She has maintained the principles of republican liberty against foes from without and foes from within. Surely her government has some claims upon our sympathy, and her country and her people might well awaken our interest.

Again, Mr. Speaker, it is the United States which is to receive the earliest and the greatest benefits from the opening of a short route to the Pacific. It begins in our country; it ends at the gates of oriental commerce. It is our furnaces which will be started by the extension of our railroads into and across Mexico. It is our merchants who are to be enabled to get to the Mexican markets and to those of Central and South America. It is our manufacturers who will find new fields for their wares, our producers new consumers for their staples. It is we who should be the pathfinders, for the path will be for us, and it will lead our people into new fields of enterprise, will diversify their industries and broaden their civilization.

THE BORDER QUESTION.

Mr. Speaker: our Texo-Mexican border difficulties are great, unsettled, and must continue to grow more complicated until the locomotive-engine goes there, taking on its track diversified employments and the enforcement of the law. Steamboats and locomotives are noisy, unthinking, but effective missionaries of the prince of peace. Our railroads halting at San Antonio are but one hundred and thirty miles from the disturbed districts, while Mexico's nearest locomotive-engine

is away more than a thousand miles to the South. It is a region of insecurity, barrenness and fear. The genius of American civilization seems scarcely to have reached it. It costs us from four to five millions of dollars each year to patrol this border with troops who scarcely bring peace and cannot bring civilization. Shall we not give encouragement to our own business men and the business men of Mexico to settle in that disturbed region? If one, two, or three railroads with their trains, animated by business, travel, progress, were daily crossing and recrossing the Rio Grande, would such disturbance be possible? "The war-whoop of the savage is never long heard within the range of the locomotive whistle." Anarchy, indolence, and barbarism stand aghast at the two steel bands that cement countries, commerce, and communities together. Shall we maintain an armed police, or the civilization that renders it unnecessary? Economy and humanity alike cry out against this perpetuation of the era of waste and anarchy. It is cheaper to plant farms and towns and manufacturing on the Rio Grande than bayonets. I speak more earnestly on this subject for the voice of my earnest, intelligent friend from Texas, [Mr. Schleicher] is forever stifled.

THE MONROE DOCTRINE IS WORTHY OF OUR MAINTENANCE.

Mr. Speaker: Mexico has been greatly interfered with in her politics, held back in her progress, and continually revolutionized through foreign emissaries, sometimes cloaked as merchants, sometimes as bankers, the enemies of her polity and ours. It behooves the United States to advance, and through commerce, made interdependent, rescue our sister republic from hostile foreign influences. Europe sends ambassadors and Franco armies to Italy, the one to forestall and foil Austria, the other to fight her, both to rescue her from foreign enemies and her own immoderation. I do not admire European politics; I would not imitate them. And yet we have our Italy. A sky as glorious as ever smiled on the land of Romulus and Cicero looks down upon her. Long, long ago the adventurous Spaniard, fresh from the overthrow of the Saracens in Spain, met on the plains of Anahuac the remnants of a race wonderful in the world's history. Their development of human nature was different from anything the European world then knew, and because it was different the European thought it should be destroyed. The worship of fire and the sun that had waned in Asia and Europe two thousand years before, still lent purpose and spirit to the genius of her people. The blood of human sacrifices still streamed from her altars. Her messengers brought intelligence from Vera Cruz to Mexico quicker than they have done until very lately. The country was then better policed than it was in the next three hundred years of its history under Spanish rule. It was a strange mixture of grandeur and ghastliness.

We examine her literature in our copy of Lord Kingsbury's collection in our Congressional Library. I have pondered over it many hours, and tried to read human nature then and now. We see the blood of the Castilian mingled with that of an ancient race. We see the genius of Spanish Christianity blended with the spirit and purposes of the Montezumas. There was the imperialism of the Aztec, the aristocracy of the Spanish hidalgo. Into this strangely mixed element we injected the spirit of American republicanism. It had to contend with transatlantic and with imperial ideas. Now it has conquered. It is weak. We have given it political ideas which have risen above the vicissitudes of half a century. Shall we give it commercial ideas; progressive ideas? Is their prosperity not something to us? Have we not neglected them too long? Have not their people and ours some ground on which we can meet for a common advancement? Are not American ideas of government, progress, and development something that concerns both them and us? Must both be forever the victims of ignorance and prejudice? I must confess to you, sir, that it is due from us to all the world that we should have done more in this direction. Since we have not, let us do it now. Let us do it in no captions or narrow-minded spirit. If in what I have said I have awakened you to what is due the history of this great republic, I shall be more than satisfied.

I submit the following tables, showing our trade with Mexico from 1825 to 1878, inclusive:

Statement showing the commerce of the United States to and from Mexico, including bullion.

Years ending September 30.	Imports from Mexico.	Exports to Mexico.
1825.....	\$4,044,647	\$6,470,144
1826.....	3,916,198	6,281,650
1827.....	5,231,867	4,173,257
1828.....	4,814,258	2,364,468
1829.....	5,026,761	2,331,151
1830.....	5,235,241	4,837,458
1831.....	5,166,745	6,178,218
1832.....	4,293,954	3,467,541
1833.....	5,452,818	5,408,691
1834.....	8,066,068	5,265,953
1835.....	9,420,446	9,029,221
1836.....	5,615,819	6,041,635
1837.....	5,654,062	3,880,323
1838.....	3,500,709	2,164,097
1839.....	3,127,153	2,787,362
1840.....	4,175,001	2,515,341
1841.....	3,284,957	2,036,629
1842.....	1,995,696	1,534,233

Statement showing the commerce of the United States, &c.—Continued.

Years October 1 to June 30.	Imports from Mexico.	Exports to Mexico.
1843.....	\$2,722,406	\$1,471,937
1844.....	2,387,002	1,791,833
1845.....	1,702,936	1,152,331
1846.....	1,836,621	1,531,180
1847.....	746,814	692,428
1848.....	1,581,247	4,058,436
June 30 to June 30.		
1849.....	2,216,719	2,090,868
1850.....	2,135,366	2,012,827
1851.....	1,804,779	1,581,783
1852.....	1,642,206	1,284,929
1853.....	2,107,985	3,558,824
1854.....	3,463,190	3,135,466
1855.....	2,882,830	2,982,804
1856.....	3,268,681	3,702,239
1857.....	5,985,857	3,615,206
1858.....	5,477,465	3,315,825
1859.....	5,339,974	2,992,546
1860.....	6,935,872	5,354,073
1861.....	3,689,913	2,215,800
1862.....	2,684,852	2,209,007
1863.....	4,529,584	9,072,212
1864.....	7,884,391	12,681,554
1865.....	8,655,619	19,454,400
1866.....	4,843,761	4,588,218
1867.....	3,920,974	5,482,248
1868.....	6,115,922	6,454,202
1869.....	7,232,006	4,884,107
1870.....	13,099,031	5,875,396
1871.....	17,511,163	7,650,613
1872.....	8,507,124	5,578,589
1873.....	16,430,225	6,430,163
1874.....	13,239,905	6,004,370
1875.....	11,634,983	5,770,783
1876.....	12,505,753	6,208,172
1877.....	15,444,883	4,509,041
1878.....	13,645,648	7,492,884

I also submit the following, copied from an article in a New Orleans paper from my old friend and comrade, General Cyrus Bussy, since mayor of New Orleans, and which may be accepted as reliable:

In the last seven years, from September, 1872, we bought of China and Japan of their products.....	\$195,000,000
And sold them.....	65,000,000
Mexico, purchases from.....	95,000,000
Mexico, sales to.....	30,000,000
Brazil and South America, purchases from.....	336,000,000
Brazil and South America, sales to.....	78,000,000
Cuba and Porto Rico, purchases from.....	575,000,000
Cuba and Porto Rico, sales to.....	125,000,000

These figures show that from these countries alone, in seven years, we have purchased \$1,201,000,000, and sold of our products only \$293,000,000, showing a balance of \$908,000,000. Their products are no more indispensable to us than our own to them, but as they can purchase manufactured goods in foreign countries and have the facilities for receiving them, and as we do not grant the necessary communication, they cannot buy of us.

I also append the following article from a newspaper published in Mexico City, showing the character and prospects of the trade:

THE RESOURCES OF MEXICO AND TRADE WITH THE UNITED STATES.

Trade with Mexico is now the all-absorbing topic in the United States; and our paper having attained so wide a circulation as well north as south of the Rio Grande, we propose to make known to the world some very interesting and potent facts that bear directly upon the resources of Mexico for import and export trade. And now is the opportune moment for the great commercial Republic of the north to enter into close relations of amity and commerce with her younger sister, whose aspirations and institutions are the same. Now is the time for American manufacturers and merchants to carry commercial enterprise into Mexico, and to trade manufactured goods for her raw produce. In return for American manufactures Mexico can give the products of every clime, and this at every season of the year.

According to official statistics the foreign commerce of Mexico, imports and exports united, exceeds \$60,000,000 annually. According to the facts, and taking into consideration the extensive smuggling carried on over the six thousand miles of sea-coast she has to guard, we may almost double these figures and say one hundred millions. The purely internal trade may be put at four hundred millions per annum.

One year with another not less than fifteen millions in gold and silver bars and coin go to Europe through the custom-houses, and nearly half as much more go as *contrabando*. All these figures are simply a fraction of what the republic can produce if worked up to anything like her capacity for the yield of gold and silver. Here is a grand field for the mining instruments and apparatus of the North which every manufacturer in the United States should attend to.

Situated within sixty hours of the southern ports of the United States, separated only by what we may really term a narrow lake, Mexico can supply the North at cheaper rates with all the articles now imported from the West Indies, Brazil, Central and South America.

—[La Tipografia Mexicana, Mexico City, December, 1878.]

It cannot, indeed, but be considered a reproach to us that across the frontier between the two republics commerce should have been so neglected.

I am aware of the exacting necessities of purely political questions, and am not insensible to their just claims upon us, but surely a time has come when business so imperative and interests so vast can receive our attention. If we neglect it, posterity will judge us, and for the further neglect we have no adequate apology to offer.

I also desire to submit the following correspondence with the Mex-

ican minister, which effectually disposes of any objection that might be made on political grounds and indicates the spirit in which we will be met:

HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., January 8, 1879.

HONORABLE SIR: It is my purpose to address the House of Representatives in relation to H. R. No. 112, a copy of which I herewith forward, which is to authorize the United States engineers to make a preliminary examination and publication of the topographical characteristics and business resources of the Mexican possessions which lie between the Rio Grande and Gulf of California, and I especially desire to have from Minister Zamacona a statement as to whether such a survey at this time would be welcomed by his people and government.

In the several arguments made before our committees upon this bill, it appears that during the administrations of General Grant and Mr. Lerdo communications passed between the Departments of State of the two Governments respecting this survey, and that it was both welcome and invited by the Mexican government. It is a subject of official record that on several occasions the government of Mexico has co-operated with the United States engineers in surveying the rail and canal routes across the States of Vera Cruz and Oaxaca, commonly known as the "Te-huantepec surveys." Again, on the 7th of May, 1878, Minister Zamacona was officially introduced to President Hayes, and on that occasion he called special attention to this subject, and said that "the desire of being connected with an international railway is expressed in various ways and with equal earnestness in both countries;" and in the remarks made since before the chambers of commerce and boards of trade in New York, Boston, Newark, Chicago, Pittsburgh, Baltimore, and other cities, and in several generally published interviews relating to commerce and friendship between the two Republics of North America, Minister Zamacona has urged with special emphasis that our overland lines of commerce should be pushed into and across Mexico; and it is my desire to state the same in my remarks, and, if possible, to be assured that the said survey would not only be welcomed at this time by Mexico, but that persons would probably be commissioned by Mexico to join those sent by the United States, to co-operate with them for the purpose stated.

I am, very respectfully,

WM. A. PHILLIPS.

Señor DON MANUEL DE ZAMAONA.

Mexican Envoy Extraordinary and Minister Plenipotentiary
to the United States.

WASHINGTON, D. C., January 11, 1879

HONORABLE SIR: On my arrival from New York I received your esteemed favor of the 8th instant. Hastening to answer it, I beg to inform you that no objection occurs to me against such a survey, as referred to in your much appreciated communication, while, to the contrary, I am led to believe that a study about the topographical conditions as well as about the resources of the districts which extend from the Rio Grande to the Gulf of California ought to be of great advantage, and particularly so to Mexico.

Occasion has never offered thus far for the government whose envoy I am to express to me its views on these premises, but when taking in account the interest which the present administration of Mexico has always manifested toward the development of the resources of the country, and considering the favors it has dispensed to all projectors of international communications with the United States I am inclined to the conviction that the Mexican government will be willing to contribute to the undertaking of and to the successfully carrying out of a scientific exploration of the fore-mentioned districts. As far as my personal views are concerned, they have always been in favor of all and everything that may contribute to the establishing of railroads between our two republics, and I believe that this is not only my own opinion, but also that of the great majority of the Mexican people.

It gives me great pleasure to express these sentiments in reply to your favor, together with my most distinguished consideration.

M. DE ZAMAONA

Hon. W. A. PHILLIPS, of Kansas,

House of Representatives, Washington, D. C.

Education of the People.

SPEECH OF HON. ALBERT S. WILLIS,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Friday, January 17, 1879,

On the bill (H. R. No. 4228) making an annual appropriation for certain purposes to the American Printing House for the Blind.

Mr. WILLIS, of Kentucky. Mr. Speaker, on the 17th of last Jun House bill No. 4228 was passed in this House making an annual appropriation for certain purposes to the American Printing House for the Blind. After its passage the honorable gentleman from Massachusetts [Mr. DEAN,] under leave of the House, printed some remarks in opposition to the bill. As the institution which is made the almoner of the amount appropriated is located in the district which I have the honor to represent, I desire to show that this bill extends governmental aid to a class of our fellow-citizens who most need but have never had it; that it is just, expedient, and necessary, and worthy of the almost unanimous vote which it received upon this floor.

HISTORY OF THE BILL.

The first effort at legislation upon this subject was made at the last session of the Forty-fourth Congress, but the settlement of the presidential question prevented action. In the first session of the present Congress the bill was again introduced and referred to the Committee on Education and Labor. At the same time the board of regents of the American Printing House for the Blind and American University for the Blind presented a memorial praying for the same aid asked for by the American Printing House for the Blind, and in addition thereto for the establishment of a national university for the blind, to be located in the city of Washington. While these two enterprises bear similar names they are entirely distinct in every

other respect. The American Printing House for the Blind has had a chartered existence—a "local habitation and name"—for twenty years; the other lives only on paper. It is a myth, or at most a mere potentiality. The American Printing House for the Blind has been unanimously indorsed, while the other enterprise and its originator—one Dempsey B. Sherrod—have been condemned and repudiated by the instructors of the blind throughout the United States.

Between these two enterprises the committee, without a dissenting vote, promptly decided in favor of the first. After the adoption of the report a petition was presented by several citizens of Massachusetts requesting that any appropriation of the kind should be placed under the control of Mr. S. P. Ruggles, of that State, who claimed, because of certain inventions which he had made, to possess superior skill in carrying out the objects contemplated by the bill. At the request of the friends of the bill, who were confident that investigation would only add to its strength, the action of the committee was set aside in order to give Mr. Ruggles an opportunity to advocate his claims. After a full and patient consideration the committee unanimously adhered to their former decision, and the bill was placed before the House. On the 16th day of June a motion was made to suspend the rules and pass the bill, which motion prevailed, there being only 19 votes in the negative. As affirmative votes upon propositions to withdraw money from the Treasury are seldom if ever made without proper deliberation, I might point to this overwhelming vote in its favor as a conclusive answer to the charge that the bill was hastily and inconsiderately passed.

As a matter of fact, however, the friends of the bill, instead of stifling investigation, were actively engaged for several weeks in calling the attention of members to the day when the motion would be made, and in presenting the facts upon which they could intelligently and advisedly cast their votes. No debate was had, not, as intimated by the honorable gentleman, because it was feared, but because, under the suspension of the rules, it was not allowable. A brief examination of the bill will explain and justify the almost unanimous vote which it received in this House.

NATURE OF THE BILL.

The bill as passed proposes to set aside \$250,000, the principal to be invested in Government 4 per cent. bonds, the interest accruing therefrom to be paid over semi-annually to the trustees of the American Printing House for the Blind, to be used in the manufacture of books and apparatus for the education of the blind in all parts of the country. It is expressly provided in the bill that "no part of the income from said bonds shall be expended in the erection or leasing of buildings." The Secretary of the Treasury is made the trustee of the fund and is authorized to withhold it upon satisfactory proof that it is not being used "for the benefit of the blind in the public institutions for the education of the blind in the United States." Ample security is required for the faithful compliance with the law. Paramount local control is carefully guarded against. Distribution of books and apparatus is provided for upon an equitable basis. The books to be published and the apparatus to be manufactured are to be determined by a vote of the superintendents of the different institutions for the education of the blind in the United States. The powers granted under the bill are revocable at the will of any future Congress. With such provisions it is believed that the fund will be carefully guarded against misapplication and sacredly devoted to the educational needs of the blind.

A NATIONAL MEASURE.

This application for Federal aid is not in behalf of a purely local institution. It is not intended to favor some particular method of printing, to introduce a particular book or set of books, or in any way whatever, directly or indirectly, to advance the pecuniary interests of any individual or corporation. It is founded in the broadest beneficence, and is prompted by the purest and most unselfish philanthropy. No measure ever appealed to Congress whose objects were worthier, or whose advocates were more unselfish in their motives. The American Printing House for the Blind was not the inspirer or originator of this effort to promote the education of the blind, nor will any one connected with its management be benefited by it in a pecuniary point of view.

That institution under the operation of this bill is simply made the trustee and distributor, without compensation, of this fund. This is a position of honor, but not of profit. It is a position which has been assigned to it by the instructors of the blind throughout the United States. At a convention of educators of the blind which met at Indianapolis in August, 1871, it was resolved, "that we do cordially approve of the objects of the American Printing House for the Blind, and we do hereby commend said institution to the patronage of the several institutions for the blind, and the blind themselves, throughout the United States." At the meeting of the same association held in Philadelphia in August, 1876, the following resolutions were adopted:

Resolved, That we, "the American Association of Instructors of the Blind," consisting of the superintendents, trustees, and teachers of State institutions in the United States, in convention assembled, do earnestly entreat Congress to take such measures as shall secure for the blind improved means of education by an endowment that shall permanently provide embossed books and apparatus for their instruction.

2. *Resolved*, That inasmuch as the "American Printing House for the Blind," located at Louisville, Kentucky, is an institution chartered by that State, and has received for several years annual appropriations from the States of Kentucky, New Jersey,

and Delaware, for the benefit of the blind in those States, which have been expended in the production of several thousand volumes in raised letters, unsurpassed in mechanical execution; and as said institute is fully prepared with all the type and machinery needed for supplying all the blind, and is under the gratuitous management of a board of trustees every way worthy of their trust, there can be no doubt that the endowment of this institution by Congress would secure the most beneficial results to all the blind of the country.

3. *Resolved*, That a committee of five, consisting of the superintendents of the Kentucky Institute, of the New York City Institute, of the Pennsylvania Institute, of the Maryland Institute, and of the Georgia Institute, be appointed to embody the above suggestions in a bill to be presented to Congress for its adoption, and to perfect and carry out the details necessary to secure its passage.

The committee thus appointed prepared a memorial to Congress and a bill embodying the wishes of the instructors of the blind. The memorial was signed by all the superintendents and teachers of the institutions of the blind in the United States. At the convention of instructors of the blind held last August at Columbus, Ohio, since the passage of the bill, the committee of five superintendents above mentioned reported their action, whereupon it was unanimously resolved—

First, That the committee of five appointed to draw up a bill to present to Congress the educational needs of the blind be continued. Second, That it is the duty of every superintendent of a State school for the blind to secure by all honorable means in his power the passage by the Senate of the United States of the bill to promote the education of the blind that has already passed the House of Representatives.

The bill drafted by the committee was submitted before it came here to every institution for the blind in the United States. Two out of the twenty-nine institutions desired certain amendments, but when the convention met at Columbus in August, 1878, these two publicly withdrew their opposition. One of these, the accomplished superintendent of the "Perkins Institute and Massachusetts School for the Blind," wrote a letter in regard to the bill before its passage which has been quoted by the honorable gentleman from Massachusetts [Mr. DEAN] in his remarks. I read the following letter subsequently written to show that Mr. Anagnos now favors the bill without amendments:

BOSTON, November 27, 1878.

DEAR SIR: I take the liberty of addressing you in order to say that the explanation given to the American Association of the Instructors of the Blind, by the trustees of the American Printing House at Louisville, Kentucky, with regard to the reconstruction of their by-laws, has been so satisfactory to all, that we have withdrawn our opposition to the passage of the bill in its present form.

I have the honor to remain, yours, respectfully,

M. ANAGNOS.

Hon. ALBERT S. WILLIS,

House of Representatives, Washington, D. C.

It will thus be seen, Mr. Speaker, that this bill did not emanate from any one institution. It is not the result of a personal opinion, nor is it designed to aid a single locality or State. It is the joint action, and represents the united opinion of the trustees, superintendents, and teachers for all the institutions for the blind in the country. Such an expression of opinion from men of character, experience, and wisdom, who in their respective States have given much thought and labor to the education of the blind, illustrates the national character and importance of this legislation. As the bill now pending is the result of their united counsel and experience and has received their repeated and unanimous indorsement, it should be promptly passed and put into practical operation.

THE AMERICAN PRINTING HOUSE FOR THE BLIND.

A brief history of the American Printing House for the Blind and the results which it has accomplished will show that the unanimous indorsement which it has thus received is well deserved. The necessity for national aid for printing raised letters for the blind has been long since recognized. At the first convention of the American Instructors of the Blind, held at New York, August 16, 1853, a committee was appointed to memorialize Congress upon this subject. As this appeal to the General Government was not successful, a number of public-spirited philanthropists, who had for many years been identified with the education of the blind in Kentucky, determined if possible to secure the desired result by the joint action of the different States.

They thought that subsidiary boards could be formed in the various States of the Union whose united means would sustain an institution that would be able to supply embossed books at cost to all the indigent blind of the country. With this view the American Printing House for the Blind was chartered and established at Louisville, Kentucky. Auxiliary boards were formed in Mississippi, Louisiana, and Tennessee, and the sum of \$30,000 was subscribed in those States for this purpose. Owing to the war and other causes only one thousand of this amount, obtained from Mississippi before the war, has ever been received by the institution at Louisville. The Kentucky board having obtained a contribution of some \$5,000 from private persons in Kentucky, and having secured in 1865 an annual appropriation from the State of Kentucky of \$5 for each blind person in the State, together with the one thousand received from Mississippi, began printing in the year 1866. In 1871 New Jersey appropriated \$5,000 in State bonds, the annual income of which was to be paid to the American Printing House for the Blind in Louisville, Kentucky, and in the same year Delaware voted an annual appropriation of \$100 for the same purpose. In this year also an organization formed in Philadelphia for the same object, recognizing the superiority of the work done in Louisville to their own, united with the American Printing House and turned over to it their entire stock and property. The

States of Missouri, Indiana, and Illinois are now also jointly interested in the institution.

WHAT HAS BEEN ACCOMPLISHED.

Since its formal start in 1866 the American Printing House for the Blind has expended upward of \$40,000 in printing books and making improved and novel apparatus for the instruction of the blind. During the last eight years of its existence nearly twelve thousand books have been distributed. In addition to this a large amount of alphabet sheets, tables, improved writing guides, spelling frames, raised and dissected maps, and original educational appliances of various kinds have been manufactured and sent to all parts of the Union. Nearly every institution for the blind in our own country and several in foreign countries have been the recipients of its benefits. The remarkable improvements that have been made by the American Printing House for the Blind in the art of printing have given it a world-wide reputation. The great obstacle to printing in raised letters on a broad scale has been the bulkiness, weight, inadaptability, and necessarily idle investment in the stereotype plates.

The inventive genius and unwearying industry of the superintendent of this institution, Professor B. B. Hutton, has overcome this obstacle. His new method of obtaining stereotype plates quickly and rapidly directly from the back of leaves of books and his other remarkable improvements in the art of printing for the blind has won the exceptional praise of teachers of the blind in both Europe and America. In one of their late reports the trustees, in referring to this, say:

We consider this the most important discovery made in the business of printing books for the blind. By this method no book, of which a single copy in good condition can be found, will require to be set up again in type in order to obtain a new edition. It is not even necessary to undergo the great expense of keeping the metal plates on hand, as new ones can be recast whenever a new edition is needed. By this process, too, we are no longer under the necessity of printing and binding a large edition of a book to meet a future demand, and therefore do not have to carry a large stock of paper and materials for binding.

Upon these plates, which are of thin brass, the cost is about ten cents a page for what upon ordinary stereotype plates would cost from one to five dollars. These great improvements, which have reduced the price of printing and tangible apparatus 25, 50, and even 75 per cent., are supplemented by a steam-press, the only one in the world used for this purpose, by which nine hundred sheets are printed each hour. Nor is the character of the work inferior to the quantity. At the world's exposition at Vienna the books printed by this establishment were awarded the medal for merit. It received similar recognition at our own exposition at Philadelphia and more recently at Paris. Thus recognized and appreciated at home and abroad, having a chartered existence of over twenty years, fully equipped with superior printing-presses, the most approved type and apparatus, steam-engine, stereotype foundry, and bindery, furnished with commodious rooms and all other necessary means and appliances for supplying the educational wants of the blind, the American Printing House fully commends itself to the confidence and support of the friends of the blind in all parts of the United States, and as the surest means yet devised for giving the light of literature to this unfortunate class, deserves the repeated indorsement which it has received at their hands.

ITS CHARTER AND BOARD OF TRUSTEES.

If further facts were needed to insure such action, they could be found in the terms of the charter and in the high character of the men who are intrusted with the interests of this institution. Its first president was Hon. James Guthrie, former Secretary of the Treasury and Senator of the United States. His earnest devotion to its interests and his tender regard for the blind continued until the time of his lamented death. When compelled by failing health to resign his seat in the Senate of the United States and to relinquish all other public trusts, he cheerfully continued his connection with this institution; and the last meeting of the trustees during his life was, at his invitation, held in his sick-room.

From its origin to the present time the board of trustees of the institution has been composed of the most responsible and respected men of Kentucky. Its president, Hon. W. F. Bullock, is the father of the Kentucky system of common schools; its treasurer is John G. Barrett, the president of the Citizens' National Bank of Louisville. Its other trustees are Dr. Theo. S. Bell, whose varied and extensive learning is only equalled by his unselfish devotion to the cause of suffering humanity; Captain Z. M. Sherley, the *fidus Achates* of Dr. Bell, and equally well and widely known as foremost in every practical scheme of business and philanthropy in Louisville for fifty years; Mr. William Kendrick, a most successful business man, whose name in that community is a synonym for purity, integrity, and benevolence; Colonel Walter N. Haldeman, the well-known proprietor of the *Courier-Journal*; and John P. Morton, the head of the oldest book publishing and printing house in Louisville. No better men could be found in the country to supervise such a trust. The majority of them have been identified with the education of the blind for over a quarter of a century. They are men of wide experience and marked ability, whose only aim in this connection has been to do good to an afflicted class in the way that experience has shown to be most effective. To this end, freely and without compensation, they are ready hereafter as heretofore to consecrate their time and their talents. The charter which they obtained affords additional evidence of the fact that their only motive in establishing this insti-

tution was to promote in the greatest possible degree the education of all the blind. The sixth section of the charter provides that—

It shall be the duty of the board of trustees, before commencing the publication of any book, to request the superintendent of every institution for the education of the blind in North America to make out and send to the trustees of the printing-house a list of such books as he may deem most desirable for the use of the blind; and said trustees shall select for publication the book that shall have received the greatest number of superintendents' votes in its favor. This mode of selecting books for publication shall be repeated at least once every year.

This provision has been strictly complied with by supplying each superintendent with the books and apparatus which he considered best adapted for his school. Following the same plan, and willing to try any experiment that promised to result well for the blind, the institution has used five different kinds of type, and has manufactured three varieties of writing guides. The list of books which it has published comprises over forty-eight volumes on different subjects. These facts may serve to show that the aim of its founders from the first has been to give the institution a national character, and to accomplish the greatest good for the greatest number.

LOCATION.

Fortunate in the character of its charter and board of trustees the institution is equally fortunate in its location. Occupying a commanding position with reference both to its natural advantages and geographical position, with a climate whose salubrity and healthfulness are almost without a parallel in the world, surrounded by an intelligent and public-spirited community ever ready to respond to the demand of practical philanthropy, Louisville was very wisely selected by the friends of the blind as the city where this institution should be established. Moreover, twenty-three out of the thirty institutions for the blind are located in the South and West. The railroad and water connections of Louisville with those sections are direct and numerous, and from no other point could the books and apparatus be so quickly and so cheaply distributed. The prompt co-operation of other States in this enterprise is doubtless due in part to a knowledge of these facts.

NUMBER OF THE BLIND.

The average number of the blind, obtained from compilation of the figures given in the census of various countries, is one in one thousand of the population. If we add to this 40 per cent. for defective returns, and bear in mind that not one-half of the pupils in the institutions for the blind are totally blind, but have eyesight so defective as to prevent their getting an education in schools for the seeing, we can approximately reckon the number of persons properly to be called blind in the United States at one hundred and twelve thousand. The aid that is asked for these is that the means of education in the shape of embossed books and tangible apparatus may be placed in their hands. That such aid should be granted by the General Government is clear for several reasons.

REASONS FOR GOVERNMENTAL AID.

The work of manufacturing these embossed books is one from which it is impossible to realize any profit. For this reason it has never been and can never be carried on by private persons. The embossed books are necessarily large and costly and the demand is small. Where books for the seeing are published in editions counting by thousands, books for the blind are published in editions counted by scores. Every book that has ever been printed in this country or elsewhere for the blind has been secured by the contribution of the benevolent. There is no commercial demand for such work. There never has been nor can there ever be competition. The experience of the past demonstrates that private enterprise cannot be relied upon to undertake this work. The remarkable labors of Dr. Samuel G. Howe, of Massachusetts, for this purpose forty years ago placed the American schools for the blind in advance of all others in the world; but even his indomitable energy and great personal influence could not create a permanent public interest sufficient to secure the continuous publication of books for the blind. The Boston Press, which he established, became intermittent in its operation and finally almost ceased.

The work was so important that it was renewed in the States of Pennsylvania, Virginia, and North Carolina, but, though attempted in the most modest way, the same results followed as in Boston. Funds could not be raised to carry on the work continuously; the few text-books became worn out and obsolete, and as the progressive education of this unfortunate class depends upon the art of printing, the schools for the blind in this country, but for the work accomplished by the American Printing-House, would have lost the prestige and pre-eminence which they had gained. This bill proposes that the whole country shall share in the advantages of this work. For each State to establish a printing department in connection with the school for the blind would not only prevent the necessary uniformity of type and execution, but would be exceedingly impracticable and expensive.

EXPENSIVENESS.

Notwithstanding the great reduction in price which the improved printing-presses of Dr. Howe and other philanthropists brought about, the manufacture of books in raised print is still very costly. The Bible printed by these new methods is now furnished to the blind by the American Bible Society at the mere cost of binding. It is contained in eight large volumes, each larger than Webster's Unabridged Dictionary, and the entire Bible is sold for \$20, which is simply the cost of the binding. When it is remembered that the Bible for the

seeing can be purchased for forty-five cents, an idea can be formed of the relative expense of the books for the blind. A copy of Milton's *Paradise Lost* in common print can be obtained for one or two dollars; in raised print it will cost a blind person eight or ten dollars. A single play of Shakspeare in raised print costs at least \$2. The seeing can procure the same play for fifty cents. Moreover, books for the blind very soon wear out. The constant pressure of the fingers of the blind, delicate as their educated touch is, rapidly wears out their books, even when embossed on the best paper.

A late writer alluded with touching sympathy to the fact that the type used by the blind in a school he had visited had been worn down smooth from daily service, and authentic instances can be given where blind persons have blistered their fingers that the increased delicacy of touch might enable them to read their worn books. Books must therefore be renewed so frequently that only in the most wealthy schools is the supply equal to the demand. The great expense of this kind of printing, while illustrating the necessity for governmental aid, falls with peculiar hardship upon the blind, since as a class they are generally poor.

SIMILAR AID EXTENDED TO OTHER INSTITUTIONS.

The legislation which this bill proposes is not only demanded by the educational needs of the blind, but is authorized by many former precedents. When the first school for the deaf and dumb was founded at Hartford, in 1817, Congress made haste to encourage the young and doubtful enterprise by a generous donation of public lands; and by other grants of public lands the Kentucky School for the Deaf and Dumb at Danville, the Columbia School for the Deaf and Dumb, and the National College for Deaf Mutes, the two latter located in this city, have been also endowed. Over forty-eight thousand acres of land and one and a half million of dollars have been thus appropriated.

These grants were made to a class who, though afflicted, are yet able to a limited extent to profit by the general educational gifts of the United States. In addition to these specific schemes Congress, as is well known, has recognized the national importance and necessity of education by appropriating in round numbers 95,000,000 acres of land and \$48,000,000 for that purpose. While every other class in the community have reaped the benefits of this wise and generous appropriation, the blind, because of the peculiar nature of their affliction, have been entirely shut out from its benefactions. This bill proposes to equalize their condition with the rest of their fellow-citizens. The sum which it annually appropriates for that purpose is but a pittance when compared with the munificent donations which have been granted to all the rest. The instructors of the blind throughout the United States, recalling these facts, come to this Congress and ask that such an unjust discrimination shall no longer continue. They plead not for sentimental pity; they ask for the means of light, for the books and apparatus essential to their education, that the Government shall secure to them as a certainty that which hitherto they have received as a precarious charity.

Why, Mr. Speaker, should not the petition of these thirty institutes for the blind be heard and heeded. Those whom they represent are daily called upon as citizens of our common country to discharge important duties and meet solemn responsibilities. Why should they alone be refused an education adequate to their position as members of society and government. Will it be contended that they are incapable of receiving such education? Can any one with the history of the past before him argue such a proposition? Of all the defective classes the blind give the largest and most hopeful returns for the efforts made in their behalf, demonstrating the fact that physical obstacles disappear before the well-directed efforts of a cultivated mind. The paths of usefulness open to the blind are neither few nor unimportant. A recently prepared table of statistics, issued under the direction of the American Association of Educators of the Blind, shows that hundreds of graduates from the State institutions for the blind have been self-supporting and have acquired competence in thirty different vocations. Eight of the public institutions for the blind in the country are now under the successful management of blind men. Indeed there is scarcely any branch of science in which blind persons have not been celebrated proficient. Chemistry, mathematics, acoustics, hydraulics, and hydrostatics have all received valuable contributions from this source. A man blind from infancy, Nicholas Saunderson, succeeded to the chair of Sir Isaac Newton, explaining the phenomena and expounding the doctrines of light with astonishing success. One of the most eminent members of the English Parliament, Henry Fawcett, has been blind from boyhood. Two of the noblest poems that adorn our literature give further and illustrious proof of the triumphs which this class of our fellow-citizens have achieved notwithstanding the painful disadvantages under which they have labored, and justify the right which they claim to a proportioned interest in the educational work of the country.

CONCLUSION.

Thus, Mr. Speaker, availing myself of the data and arguments which the friends of the blind throughout the Union have furnished, I have presented the claims of this measure upon the General Government, not merely as a work of charity, but one of duty and public policy. I have endeavored to show that congressional aid has been extended heretofore for specific and general purposes to the extent of

millions of dollars, from whose benefits the blind have been entirely excluded; that their educational needs are embossed books and tangible apparatus, which cannot be supplied by private enterprise or separate State action, because they are costly and not much in demand.

I have called attention to the American Printing House for the Blind as the only chartered institution in the United States which has endeavored to meet these needs of the blind, and which, because of its success and high character, has been indorsed by all the instructors of the blind in the country as the proper instrument through which the Government ought to extend the aid asked for in this bill. Sir, such a cause appeals no less to the sympathy than to the justice and wisdom of our legislators. Who can estimate the terrible calamity of blindness? Who does not recall the pathetic lamentation of the blind bard over the evils imposed on him by this sad misfortune:

Thus with the year
Seasons return, but not to me returns
Day, or the sweet approach of even or morn,
Or sight of vernal bloom, or summer's rose,
Or flocks, or herds, or human face divine;
But cloud instead, and ever-during dark
Surrounds me, from the cheerful ways of men
Cut off, and for the book of knowledge fair
Presented with a universal blank
Of nature's works, to me expunged and razed,
And wisdom at one entrance quite shut out.

In this condition of midnight darkness which knows no morn, a condition to which by the vicissitudes of life every person is exposed, more than one hundred thousand of our fellow-citizens are at present enshrouded. What class is more fairly entitled to the active sympathy and generous consideration of their fellow-men? They are indeed, as a great philanthropist of the past has declared, "bills drawn on the generosity of mankind by infinite love, and it is a shame if they are ever dishonored." But not alone as an appeal to sympathy, but in the spirit of justice, in the name of that principle of universal education that underlies the whole fabric of our republican institutions and which is at once the cause of our greatness and the hope of our safety, do I urge this bill as in harmony with the principle authorized by the letter of our Constitution and sanctioned by the policy and precedents of our Government, and ask you to grant the aid which these memorialists desire.

Press on the sublime and hopeful work of educating the blind; give to their darkened minds the means of light and of knowledge, and you do that which will ever be pointed to as a worthy national monument to American philanthropy and a befitting index to the progress of the century itself. Then, indeed, will be realized that beautiful prophecy of sacred writ—

I will bring the blind by a way that they know not; I will lead them in paths they have not known; I will make darkness light before them, and crooked things straight. These things will I do unto them, and not forsake them.

The Commission on the Alcoholic Liquor Traffic.

SPEECH OF HON. HENRY W. BLAIR,

OF NEW HAMPSHIRE,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, January 18, 1879,

On the bill (S. No. 452) to provide for a commission on the subject of the alcoholic liquor traffic.

Mr. BLAIR. Mr. Speaker, I regard the passage of this bill as of great consequence to the American people. I know of no legislation more important, and as this has already passed the Senate during the present Congress and other measures substantially the same have passed that body in two previous Congresses, I feel that the petition of probably forty thousand of our countrymen and countrywomen now before us, which represent the desire of millions more, praying for the appointment of a commission on the subject of the alcoholic liquor traffic, should not be disregarded by this House.

I am informed by a member of the Committee on the Judiciary that such is the state of that portion of the public business referred to the committee that there is no prospect of action on its part during the present session. With this no man whose attention has been directed to the subject can be content, and therefore I shall endeavor at some favorable time before the expiration of this Congress to secure action by a motion to discharge the committee from further consideration of the subject and to suspend the rules and pass the bill.

There is no subject whatever before the people of this country upon which information and data of the highest authenticity is so much required for the public good as that of intemperance in the use of alcoholic beverages, which information it is the purpose of this bill to obtain; and feeling that I should be derelict to a high duty which must be performed, and which I should have felt great relief and pleasure in seeing assumed by another, I have sought to present some considerations bearing upon the subject to the House at this time, because hereafter discussion may be rendered impracticable by

the pressure of business during the few days which remain of this Congress.

Some question the constitutional power of Congress to provide for the appointment of such a commission. I shall very briefly discuss that branch of the subject.

Article I, section 8, of the Constitution provides that "the Congress shall have power to lay and collect taxes, duties imposts and excises to pay the debts and provide for the common defense and general welfare of the United States."

The power to tax the people for these ends is the strongest grant of the power to legislate for their attainment. The term "general welfare" is as comprehensive as can well be conceived. It is equivalent to the "public good." True, that would not be legislation for the general welfare which concerned in a strict sense only the people of a single State and had no bearing or relation to the welfare of the inhabitants of any other State; but it is almost impossible to conceive of any one great interest of a considerable portion of the people of one State or portion of the country which does not extend generally through the country, and the condition of which is not largely dependent upon its relations to other interests widely diffused, and the admitted subjects of legislative regulation. This power to promote the general welfare has been liberally construed, as such a power most certainly should be construed whenever it exists at all. Under its authority most important legislation has taken place from the foundation of the Government to the present time, and constant investigation in all directions to ascertain the best and necessary methods of its further application is continually going on. Whatever affects the mental, moral, and physical condition of the people involves the general welfare.

The great interest of agriculture, for instance, has been promoted under this power by the institution of a separate department which expends hundreds of thousands of dollars in experiment and the diffusion of valuable information among the people. Congress appropriates the proceeds of the public lands for the establishment of agricultural colleges throughout the country.

The prosecution of scientific investigation and the encouragement of learning are of the very highest importance to the general welfare, and the Smithsonian Institution shines like the very sun of science midway between the national halls of legislation and the Treasury, supported from the latter with the annually renewed authority of the former. The American explorer has penetrated, under the national ensign, at national expense, wherever this old globe had left a geographical secret or could be filched of an additional fact which by cogitation and experiment could give the least promise, directly or indirectly, of capacity to conserve any of the general interests of the American people.

What is more exclusively a personal matter than the state of one's health? But when specific disease spreads over large areas and destroys widespread populations the national power to legislate for the general welfare is invoked, and no voice questions, no intellect doubts, no heart hesitates, but fifty or five hundred thousand dollars, or, if need be, millions flow from the national coffers in the form of remedial benefactions all over the infected regions, and when the destroyer is subdued congressional commissions upon the grandest scale are organized to gather up and utilize the fruits of experience for the benefit of generations unborn.

Upon what grounds but the promotion of the general welfare has Congress the power to establish protective tariffs? Yet they have been the most important feature of all our economic legislation, and in my belief they have immensely increased the wealth, prosperity, population, and power of the American people. It is hardly worth the while to waste time with instances. The exercise of this broad power is constant and always within the wise discretion of Congress. Every case as it arises must undoubtedly be judged upon its own merits. The Senate bill 452, "to provide for a commission on the subject of the alcoholic liquor traffic," having passed that body, both in the last and present Congresses, is now pending here, and must be enacted or defeated by us. It is a very modest bill, judged by its vast importance. It simply asks for the appointment of an impartial commission of five persons, to be selected solely with reference to their fitness and capacity for an honest, impartial, and thorough investigation, who shall hold their office until their duties are accomplished, but not exceeding two years. It shall be their duty to investigate the alcoholic liquor traffic, primarily in its relations to revenue and taxation, and its general economic and scientific aspects in connection with the public health and general welfare of the people.

These commissioners are not all to be advocates of prohibitory legislation nor all of total abstinence in relation to alcoholic liquors. Some of them must be opposed to such legislation and some of them in favor of the sale of alcohol as a beverage. They are to serve without salary, and all expenses to the United States are not to exceed \$10,000. The result of the investigation is to be reported to the President and by him transmitted to Congress. That is all there is of it; but as it is so brief it may be more satisfactory if I quote the bill:

A bill to provide for a commission on the subject of the alcoholic liquor traffic.

Be it enacted, &c., That there shall be appointed by the President, by and with the advice and consent of the Senate, a commission of five persons, who shall be selected solely with reference to personal fitness and capacity for an honest, impartial, and thorough investigation, and who shall hold office until their duties shall be accomplished, but not to exceed two years. It shall be their duty to investigate the alcoholic liquor traffic, primarily in its relations to revenue and also as

to taxation, and its general economic and scientific aspects in connection with the public health and general welfare of the people.

SEC. 2. That the said commissioners, not all of whom shall be advocates of prohibitory legislation or of total abstinence in relation to alcoholic liquors, shall serve without salary; that the necessary expenses incidental to said investigation, not exceeding \$10,000, shall be paid out of any money in the Treasury not otherwise appropriated, upon vouchers to be approved by the Secretary of the Treasury; and for this purpose the sum of \$10,000 is hereby appropriated. It shall be the further duty of said commissioners to report the result of their investigation, and the expenses attending the same, to the President, to be transmitted by him to Congress.

This, sir, is, then, a proposition that five men of capacity and honesty shall devote two years' time gratuitously to a profound and all-important inquiry into a matter which it is alleged vitally concerns the general welfare of the people of the United States. Their services cannot be considered worth less than those of the average Congressman for the same length of time, which would aggregate \$50,000 for two years, while the Government in behalf of more than forty-five millions of people, represented here by thousands upon thousands of petitioners whose prayers excite no more attention than the wandering winds, and I sometimes fear they never will until they concentrate in tornadoes and hurricanes, is only asked to pay not exceeding \$10,000, to be expended in clerk hire, stationery, witness fees, and other incidentals, and to appropriate to the national use the results of the investigation. It will be observed that in every census we have gathered some information pertinent to this inquiry. Whatever bears upon the general condition of the people, their prosperity, and welfare has always been embraced in this great decennial investigation. For instance, although education has usually been considered the concern of the States rather than of the nation, yet the most minute inquiries have been instituted in relation to it, and we have even established a great bureau to promote the cause which is the chief hope of the future of the nation.

So of interstate commerce, which is under the control of national legislation because the general welfare makes it necessary. If the manufacture, sale, transportation, and consumption of alcoholic liquors as a beverage do not constitute an interstate interest and source of interstate commerce, and as now existing a great national evil also, which the States are powerless fully to regulate and properly control, then I am at a loss to conceive of one. And we have accordingly in the prosecution of every census set the precedent of making general appropriations to get facts bearing upon these and other subjects of national importance, not alone embracing population and industries, but all leading public evils throughout the land. Upon the same principle, and because the greater includes the less, a specific appropriation for the prosecution of a more extended and specific inquiry must be according to law.

It would seem to be too late to raise the question of constitutional power in a Congress which is itself proceeding to make provision for taking another general census; and if the power to inquire at all exists there can be no limit of the extent of its exercise but the discretion of Congress guided by the requirements of the general welfare. It is, therefore, to this discretion that I address my argument and appeal.

IS THE INVESTIGATION NECESSARY?

By the common consent of civilized mankind the intemperate use of alcohol in various forms as a beverage is admitted to be the greatest evil on earth. There is no doubt about it. War is a blessing to any nation in comparison with it. It is in itself both pestilence and famine. It destroys the physical, mental, and moral structure of the individual, and in proportion to its prevalence it wrecks society. Under its influence a nation falls, like a star from heaven, with ever augmenting velocity, until it plunges into the burning lake where their worm dieth not and their fire is not quenched.

I say that these propositions are facts; but it is not necessary in this discussion to prove them.

The bill proposes to *inquire*; it does not assume the existence of an evil or propose a remedy for one; and the only question before the House is this: Has enough been *alleged* against the traffic in alcohol from respectable sources, or has enough been brought to our knowledge in any manner, to put the nation upon *inquiry*? Is there ground for legislative inquiry upon the subject? Shall we find out the truth of these tremendous assertions when we can do so by contributing one-sixth part of the expense? Reliable and complete information would be worth millions to this country, and would illuminate the halls of legislation with a torch from on high.

VOICE OF THE MEDICAL PROFESSION.

Why, sir, it is alleged that alcohol is a mortal poison and always injurious except when used medicinally to counteract disease—under just the same circumstances that prussic acid and strychnine would be useful; that its inevitable effect is to disorganize and finally to destroy the digestive powers of the human frame, to develop all manner of diseases and directly to kill the body of man, and that it does kill sixty thousand people in the United States every year. It not only murders sixty thousand Americans annually itself, but it is the cause of that murder which is perpetrated by all other forms of malignant agency. It undermines the whole physical structure and lets in death at every pore.

Dr. Lees says, in his "Condensed Argument:"

In the great fever which raged in 1739—the era of the gin mania—the drinkers were the first and greatest victims.

Dr. Short observes:

The like was the fate of all tipplers, dram-drinkers, and punch-merchants. Scarcely any others died of this disease.

The Asiatic cholera, too, singles out the drinker with fatal precision when it leaves the sober generally unscathed. In the city of Albany, when only one in twenty-five hundred of teetotalers were seized by it, one in sixty of the general population perished.

A German authority, the *Volksfreund* for August, 1854, states that out of nine hundred persons who died at Rotterdam the preceding year from cholera, only three were abstainers. In Newcastle, England, the cholera struck down one drinker in fifty-six, but only one of six hundred and twenty-five abstainers from alcoholic beverages. Throughout England the cholera broke out afresh after festival occasions, when the people had consumed more strong drink than usual.

In 1853, Dr. Cartwright, of New Orleans, wrote thus to the *Boston Medical and Surgical Journal*:

The yellow fever came down like a storm upon this devoted city, with eleven hundred and twenty-seven dram-shops in one of the four parts into which it has been divided. It is not the citizen proper, but the foreigners, with mistaken notions about the climate and country, who are the chief supporters of these haunts of intemperance. About five thousand of them died before the epidemic touched a single citizen or sober man, so far as I can get at the facts.

It is said that the terrible scourge which laid waste some portions of our country the last year has illustrated the same appalling truth.

Tables prepared by Dr. Edward Jarvis, from the record of investigations of Mr. Neison, actuary of the Medical, Invalid and General Life Insurance Company of London, are as follows:

General population includes both temperate and intemperate, the latter term "only such as were decidedly addicted to drinking habits and not merely occasional drinkers and free-livers."

Among beer drinkers, 4,597 per cent. annually died; among spirit drinkers, 5,995 per cent. annually died; among mixed drinkers, 6,194 per cent. annually died; while of the general population less than 2½ per cent. died yearly.

Assuming that ten persons of the general population die between the following periods of life, the death of the intemperate during the same period is as follows: Between 15 and 20 years, 18 intemperate to 10 general population; between 20 and 30 years, 51 to 10; between 30 and 40 years, 42 to 10; between 40 and 50 years, 41 to 10; between 50 and 60 years, 29 to 10.

If one hundred thousand intemperate persons be compared with one hundred thousand of the general population, we have the following result:

Living at the age of—	Intemperate.	General population.
Twenty years.....	81,975	95,712
Thirty years.....	64,114	91,577
Thirty-five years.....	50,746	86,830
Forty years.....	39,671	82,082
Fifty years.....	21,938	70,666
Sixty years.....	11,568	56,355
Seventy years.....	5,076	35,230
Eighty years.....	807	13,169

A temperate person's chance of living is at 20, 44.2 years—if intemperate, 15.6 years; at 30, 36.5 years—if intemperate, 13.8 years; at 40, 28.8 years—if intemperate, 11.6 years; at 50, 21.25 years—if intemperate, 10.8 years; at 60, 14.25 years—if intemperate, 8.9 years.

Dr. Richardson, one of the most eminent living English physicians, says:

This chemical substance, alcohol, an artificial product devised by man for his purposes * * * is neither a food nor a drink suitable to his natural demands. * * * Its influence (doubtful even in these modest and moderate degrees) is an infinitesimal advantage by the side of an infinity of evil for which there is no compensation and no human cure.

Again, speaking of the large and increasing adulteration of alcohol with absinthe, he says:

In this liquor five drams of the essence of absinthe or wormwood are added to one hundred parts of alcohol * * * which has been discovered to exert the most powerful and dangerous action upon the nervous functions. Indeed, such are the terrible consequences incident to this agent, that I agree with Dr. Decoigne in maintaining that it ought by legal provisions to be forbidden as an article of human consumption in all civilized communities. * * * The consumption is on the increase.

Very little unadulterated liquor is sold in America to-day.

Again he says:

Among the many inscrutable designs of nature none is more manifest than this: that physical vice, like physical feature and physical virtue, descends in line. It is, I say, a solemn reflection for every man and every woman, that whatever we do to ourselves so as to modify our own physical conformation and mental type for good or for evil is transmitted to generations that have yet to be. Not one of the transmitted wrongs, physical or mental, is more certainly passed on to those yet unborn than the wrongs which are inflicted by alcohol.

Dr. Day, the superintendent of the Washington Home, of Boston, has without doubt treated more cases of disease produced by alcohol than any other physician living. Dr. Storer, the distinguished professor of obstetrics and diseases of women in Berkshire Medical College, in alluding to an address of Dr. Day, remarks:

Reference has been made by the doctor to the dire effects so often seen by medical men in the persons of the children of those addicted to habits of intoxication—epilepsy, idiocy, and insanity—congenital or subsequently developing themselves with or without any apparent exciting cause. He has not, however, I

think, held up to the victims of this baleful thirst the terrible curse they thus entail upon their descendants.

The Massachusetts Board of State Charities of 1866, appointed by Governor Andrew, who was not a believer in prohibitory legislation upon this subject—three of the board being physicians—speaking of "one prolific cause of the vitiation of the human stock," says:

That prolific cause is the common habit of taking alcohol into the system, usually as the basis of spirits, wine, or beer. * * * It is admitted that an intemperate mother nurses her babe with alcoholized milk, but it is not enough considered that a father gives to his offspring certain tendencies which lead surely to craving for stimulants. These cravings once indulged grow to a passion, the vehemence of which passes the comprehension of common men.

There is no higher medical authority in the world upon this subject than Dr. Willard Parker, who says:

What is alcohol? The answer is, a poison. It is so regarded by the best writers and teachers on toxicology. I refer to Orfila, Christisson, and the like, who class it with arsenic, corrosive sublimate, and prussic acid. Like these poisons, when introduced into the system it is capable of destroying life without acting mechanically. Introduced into the system, it induces a general disease as well marked as fever, small pox, or lead poison.

And again he says:

Alcohol is the one evil genius, * * * and is killing the race of men. Stay the ravages of this one poison, alcohol, that king of poisons, the mightiest weapon of the devil, and the millennium will soon dawn.

Dr. James Edmunds, a very distinguished English physician, says:

It is admitted by every one that alcohol is the cause of more than half the insanity we have. We have a great horror of arsenic and fifty other things; the fact is that all these other things are a mere bagatelle in relation to the most direct, absolute, immediate, and certain poisonings which are caused by alcohol.

Col. J. G. Dudley, eminent for his services to humanity, has published a valuable pamphlet reviewing this subject and carefully collating the opinions of the leading medical writers of the last fifty or seventy-five years, such as Orfila, Christisson, Dr. Taylor, Pereira, Professor Binz, Dr. Sallémand, Perrin, Dr. Willard Parker, Professor Edmund A. Parkes, Professor Duroy, Dumorel, Magnus, Dunglison, Dr. James Edmunds, Powell, Professor S. N. Davis, Derramarquay, Wetherbee, Burns, Dickinson, Carpenter, and others, all of whom agree in deciding that alcohol is an acrid poison.

The celebrated Dr. Carpenter, the highest English authority on human physiology, indorses a certificate signed by more than two thousand of the physicians of England, including the court physicians and metropolitan surgeons, who may fairly be said to represent the voice of the medical faculty of the British Empire, one paragraph of which is this:

We, the undersigned, are of the opinion * * * that a very large proportion of human misery, including poverty, disease, and crime, is induced by the use of alcoholic or fermented liquors as beverages.

I will cite only one more evidence of the attitude of the medical profession upon this subject, and respectfully submit that if ever the serious attention of the American Congress was imperatively challenged to any subject matter of legislation in time of peace, it is here and now to this subject by the emphatic testimony and solemn warning contained in the following certificate from so many of the most eminent physicians and patriotic citizens of our metropolitan city and vicinity. There is no question that they herein represent the medical profession of the country.

MEDICAL DECLARATION.

1. In view of the alarming prevalence and ill effects of intemperance, with which none are so familiar as members of the medical profession, and which have called forth from eminent English physicians the voice of warning to the people of Great Britain, concerning the use of alcoholic beverages, we, the undersigned, members of the medical profession of New York and vicinity, unite in the declaration that we believe alcohol should be classed with other powerful drugs; that, when prescribed medicinally, it should be with conscientious caution and a sense of grave responsibility.

2. We are of opinion that the use of alcoholic liquor as a beverage is productive of a large amount of physical disease; that it entails diseased appetites upon offspring; and that it is the cause of a large percentage of the crime and pauperism of our cities and country.

3. We would welcome any judicious and effective legislation—State and national—which should seek to confine the traffic in alcohol to the legitimate purposes of medical and other sciences, art, and mechanism.

Edward Delafield, M. D., president College of Physicians and Surgeons, and of Roosevelt Hospital.

Willard Parker, M. D., ex-president Academy of Medicine.

A. Clark, M. D., professor College of Physicians and Surgeons and senior physician Bellevue Hospital.

James Anderson, M. D., No. 30 University Place, ex-president Academy of Medicine and president Physicians' Mutual Aid Association.

E. R. Peaslee, M. D., ex-president Academy of Medicine, New York.

C. R. Agnew, M. D., ex-president Medical Society of the State of New York.

Stephen Smith, M. D., surgeon Bellevue Hospital, commissioner of health, and president American Health Association.

Alfred C. Post, M. D., LL. D., professor of surgery in University Medical College and ex-president New York Academy of Medicine.

E. D. Hudson, Jr., M. D., professor of theory and practice of medicine, Woman's Medical College of New York Infirmary.

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Elisha Harris, M. D., secretary American Public Health Association, late sanitary superintendent Metropolitan Board of Health, and corresponding secretary Prison Association of New York.

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Stephen Rogers, M. D., president of the Medico-Legal Society of New York.

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 Daniel H. Hastings, M. D., No. 214 West Twenty-eighth street.
 S. T. Birdsall, M. D.
 A. Houghton Birdsall, M. D.
 Ernst T. Hoffman, M. D.
 John Ellis, M. D., author of the Avoidable Causes of Disease.
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 Samuel S. Guy, M. D., ex-president New York State Homeopathic Medical Society, ex-president American Institute of Homeopathy, &c.
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 Henry Minton, M. D., ex-president Homeopathic Medical Society Kings County.
 C. B. McQuesten, M. D.
 Charles E. Blumenthal, M. D., LL. D., chairman medical board of Hahnemann Hospital.
 M. Frelich, author of Practice of Medicine and Materia Medica.
 Edwin G. Frelich, M. D.; toxicological and analytical chemist.
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 Fred. Elliot, M. D.
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 W. H. Scott, M. D., No. 8 East Forty-first street.
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 May H. Everett, M. D.
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 B. F. Bowers, M. D., ex-president New York County Homeopathic Medical Society.
 Wilson Peterson, M. D., physician.
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 Samuel Willets, president Women's Medical College of the New York Infirmary.
 Henry C. Houghton, M. D., professor of physiology, New York Medical College for Women, visiting physician Five Points House of Industry, &c.
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It will reward any thoughtful person to examine the elevated authority of these names.

Let us turn now from those facts, which rest specifically upon the testimony of the great profession on which we rely in all matters concerning the public health as well as that of individuals whose word decides questions of life and property before the courts and juries of the country, to

OTHER SOURCES OF INFORMATION.

In the Forty-fourth Congress I had the honor to introduce and advocate a concurrent resolution for the amendment of the Constitution of the United States touching the production and traffic in alcoholic liquors. The same proposition is pending in the present Congress, and will I trust continue to be in all subsequent Congresses until it becomes a part of the supreme law of the land.

I hope I shall be pardoned for availing myself on this occasion of a summary of facts found in a speech delivered by me in this Chamber on the 27th day of December, 1876, in support of that resolution; and I respectfully refer any who may feel interested in the merits of the resolution as a remedy for the evils of the traffic in alcohol to the speech itself as found in the RECORD of that Congress.

FACTS AND STATISTICS FROM THE CENSUS AND OTHER SOURCES, MOSTLY OFFICIAL.

I now desire to present in the best manner I can a statement of facts bearing upon the effect of the manufacture and use of intoxicating liquors on the wealth, industries, and productive powers of the nation; also upon its ignorance, pauperism, and crime. I have endeavored to authenticate every statement by careful inquiry. The information is drawn from the census returns, from records of the Departments of Government, reports of State authorities, declarations from prominent statisticians and responsible gentlemen in different parts of the country. Much of it is to be found, with a great deal more of similar matter, in a very valuable book published the present year.* The author is William Hargreaves, M. D., of Philadelphia. No one who has not fought with figures, like old Paul with the beasts at Ephesus, knows how it taxes the utmost powers of man to classify, condense, and present intelligibly to the mind the mathematical or statistical demonstration of these tremendous social and economic facts. The truths they teach involve the fate of modern civilization.

In 1870 the tax collected by the Internal Revenue department was upon 72,425,331 gallons of proof spirits and 6,081,520 barrels of fermented liquors. Commissioner Delano estimates the consumption of distilled spirits in 1869 at 80,000,000 gallons. By the census returns June 1, 1860, there were produced in the United States 96,412,581 gallons of domestic spirits—and of course this was consumed, with large amounts imported besides—but there are very large items which escape the official enumeration. These have been carefully estimated as follows:

	Gallons.
Domestic liquors evading tax and imported smuggled, at least.....	5,000,000
Domestic wines.....	10,000,000
Domestic wines made on farms.....	3,092,330
Domestic wines made and used in private families.....	1,000,000
Dilutions of liquors paying tax by dealers.....	7,500,000
	26,592,330

This amount added to the total produced in 1860 would be 107,004,911; added to amount on which was collected tax in 1870 would be 99,017,683.

It is well known that the great mass of alcoholic liquor is consumed as a beverage, and it will fall below the fact to place the amount paid for it at retail by the American drinker at 75,000,000 gallons yearly. But take the very modest estimate of Dr. Young, Chief of the Bureau of Statistics, who makes the following estimate of the sales of liquors in the fiscal year ending June 1, 1871:

Whisky, (alone).....	60,000,000 gallons at \$6, at retail.....	\$360,000,000
Imported spirits.....	2,500,000 gallons at \$10, at retail.....	25,000,000
Imported wine.....	10,700,000 gallons at \$5, at retail.....	53,500,000
Ale, beer, and porter.....	6,500,000 barrels at \$20 a barrel at retail.....	130,000,000
Native wines, brandies, cordials, (estimated).....		31,500,000

Total..... 600,000,000

I am satisfied that this is much below the real amount, but it is enough.

This is one-seventh the value of all our manufactures for that year; more than one-fourth that of farm productions, betterments, and stock, as shown by the census.

Dr. Hargreaves estimates the retail liquor bill of 1871 at \$680,036,042. In 1872, as shown by the internal-revenue returns, there was a total of domestic and foreign liquors shown into the hands of the American people of 337,288,066 gallons, the retail cost of which at the estimated prices of Dr. Young is \$735,728,048. The total of liquors paying tax from 1860 to 1872—thirteen years—was 2,762,926,066 gallons, costing the consumer \$6,780,161,805. During several of these years the Government was largely swindled out of the tax, so that no mortal knows how far the truth lies beyond these startling aggregates.

Dr. Young estimates the cost of liquors in 1867 at the same as in 1871—\$600,000,000—and exclaims: "It would pay for 100,000,000 barrels of flour, averaging two and one-half barrels to every man, woman, and child in the country."

Such facts might well transform the mathematician into an exclamation point.

*The title is, "Our Wasted Resources." Another most valuable source of authentic information which cannot be too highly commended is a work by Hon. Robert C. Pitman, LL. D., a distinguished jurist of Massachusetts, entitled, "Alcohol and the State."

Dr. Hargreaves, who goes into all the minutiae of the demonstration, dealing, however, only with bureau returns, declares that the annual consumption of distilled spirits in the United States is not less than 100,000,000 gallons annually, and this makes a very small allowance for "crooked whiskey." Take now Dr. Young's moderate estimate of \$600,000,000 annually, and relying upon the official records of the country, and in sixteen years we have destroyed in drink \$9,600,000,000; more than four times the amount of the national debt, and once and a half times the whole cost of the war of the rebellion to all sections of the country, while the loss of life, health, spiritual force, and moral power to the people was beyond comparison greater. The lowest estimate I have seen of the annual loss of life directly from the use of intoxicating liquor is 60,000, or 960,000 during the period above mentioned; more than three times the whole loss of the North by battle and disease in the war, as shown by the official returns.

The assessed value of all the real estate in the United States is \$9,914,780,925; of personal, \$4,264,205,907. In twenty-five years we drink ourselves out of the value of our country, personal property and all.

The census shows that in 1870 the State of New York spent for liquors \$106,590,000; more than two-fifths of the value of products of agriculture, and nearly one-seventh the value of all the manufactures, and nearly two-thirds of the wages paid for both agriculture and manufactures, the liquor bill being little less than twice the receipts of her railroads. The liquor bill of Pennsylvania in 1870 was \$65,075,000; of Illinois, \$42,225,000; Ohio, \$58,845,000; Massachusetts, \$25,195,000; New Hampshire, \$5,800,000; Maine, where the prohibitory law is better enforced than anywhere else, \$4,215,000, although Maine has twice the population of New Hampshire.

Dr. Hargreaves says that there was expended for intoxicating drinks in—

1869.....	\$893,999,509
1870.....	619,425,110
1871.....	680,036,042
1872.....	735,726,048
Total.....	2,729,186,709

Annual average..... 682,296,677

And he says the average is larger since 1872, exceeding \$700,000,000.

Each family by the census averages 5.09 persons, and we spend for liquor at the rate of \$81.74 yearly for each. The loss to the nation in perverted labor is very great. In 1872 there were 7,276 licensed wholesale liquor establishments and 161,144 persons licensed to sell at retail. It is said that there are many more unlicensed retail liquor shops. All these places of traffic must employ at least half a million of men. There were then 3,132 distilleries, which would employ certainly five men each—say, 15,660. The brewers' congress in 1874 said that there were employed in their business 11,698. There would be miscellaneous employed about breweries and distilleries 10,000; in selling, say, 500,000. In all, say, 550,000 able-bodied men, who, so far as distilled liquors are concerned at least, constitute a standing army constantly destroying the American people. They create more havoc than an opposing nation which should maintain a hostile force of half a million armed men constantly making war against us upon our own soil. The temple of this Janus is always open. Why should we thus persevere in self-destruction?

There are 600,000 habitual drunkards in the United States. If they lose half their time it would be a loss of \$150,000,000 to the nation in productive power and in wages and wealth to both the nation and themselves every year.

Dr. Hargreaves has constructed the following table:

The yearly loss of time and industry of 545,624 men employed in liquor making and selling.....	\$272,812,000
Loss of time and industry of 600,000 drunkards.....	150,000,000
Loss of time of 1,404,323 male tipplers.....	146,849,592

Total..... 569,661,592

And he adds that investigation will show this large aggregate is far below the true loss.

By this same process 40,000,000 bushels of nutritious grain is annually destroyed, equal to 600,000,000 four-pound loaves; about eighty loaves for each family in the country.

Dr. Hitchcock, president of Michigan State board of health, estimates the annual loss of productive life by reason of premature deaths produced by alcohol at 1,127,000 years, and that there are constantly sick or disabled from its use 98,000 persons in this country.

Assuming the annual producing power of an able-bodied person to be \$500 value, and this annual loss of life would otherwise be producing, the national loss is the immense sum of.....	\$612,510,000 00
Add to this the losses by the misdirected industry of those engaged in the manufacture and sale; loss of one-half the time of the 600,000 drunkards and of the tipplers, as their number is estimated by Dr. Hargreaves.....	568,861,592 00

And we have..... 1,181,371,592 00

The grain, &c., destroyed..... 36,000,000 00

1,217,371,592 00

Dr. Hitchcock estimates the number of insane, made so annually, at 9,338, or loss in effective life of 98,259 years, at \$500 per year..... 49,129,500 00

Number of idiots from same cause, an annual loss of 319,908 years..... 159,954,000 00

1,426,455,092 00

Deduct receipts of internal-revenue tax, (year 1875)..... \$61,225,995 53

Receipts from about 500,000 State licenses, at \$100..... 50,000,000 00

111,225,995 53

Annual loss to the nation of production..... 1,315,229,096 47

Annual value of all labor in the United States, as per census of 1870..... 1,263,984,003 00

Losses from alcohol in excess of wages of labor yearly..... 51,245,093 47

This calculation includes nothing for interest upon capital invested, for care of the sick, insane, idiotic—it allows alcohol credit for revenue paid on all which is used for legitimate purposes. In England the capital invested in liquor business is \$565,000,000 or £117,000,000. It was proved by the liquor dealers before the committee of the Massachusetts Legislature in 1867 that the capital invested in the business in Boston was at least \$100,000,000, and in the whole country it cannot be less than \$1,000,000,000, or ten times the amount invested in Boston. The annual value of imported liquors is about \$80,000,000. It may be that the above estimate of losses yearly to the nation is too high. Perhaps \$500 is more than the average gross earnings of an able-bodied man, and there may be other errors of less consequence. But any gentleman is at liberty to divide and subdivide the dreadful aggregate as often and as long as he pleases, and then I would ask him what good reason has he to give why the nation should lose anything from these causes.

PAUPERISM.

I cannot detain the House with full statistics from the various States in regard

to the pauperism occasioned by alcohol, but not less than 130,000 widows and orphans are left such in our country annually by liquor-drinkers, and from two-thirds to four-fifths of the inmates of our poor-houses are sent there by drink.

CRIME.

The statistics of crime are even more astounding. In the report of the United States Commissioner of Education for 1871, page 541, I find this statement: "The fourth fact is, that from 80 to 90 per cent. of our criminals connect their courses of crime with intemperance. Of the 14,315 inmates of the Massachusetts prisons, 12,396 are reported to have been intemperate, or 84 per cent." Ninety-three per cent. of those confined in Deer Island house of industry are confined for crimes connected with liquor. "In the New Hampshire prison sixty-five out of ninety-one admit themselves to have been intemperate. Reports from every State, county, and municipal prison in Connecticut made in 1871 show that more than 90 per cent. had been in the habits of drink by their own admission." The warden of the Rhode Island State prison estimates 90 per cent. of his prisoners as drinkers. These relate to those who have been guilty of the more serious offenses, not mere everyday arrests for drunkenness and disorderly conduct.

The report of the board of State charities of Pennsylvania for 1871 says, page 89: "The most prolific source of disease, poverty, and crime, observing men will acknowledge, is intemperance."

Mr. William J. Mullen, the well-known and highly esteemed prison agent, in his report for 1870 says:

"An evidence of the bad effects of this unholy business may be seen in the fact that there have been thirty-four murders within this city (Philadelphia) during the last year alone, each one of which was traceable to intemperance, and one hundred and twenty-one assaults for murder proceeding from the same cause. Of over 38,000 arrests in our city within the year, 75 per cent. were caused by intemperance. Of 18,305 persons committed to our prison within the year, more than two-thirds were the consequence of intemperance."

Judge Allison, in a speech delivered in Philadelphia in 1872, says:

"In our criminal courts we can trace four-fifths of the crimes that are committed to the influence of rum. There is not one case in twenty where a man is tried for his life in which rum is not the direct or indirect cause of the murder."

AND PHILADELPHIA.

is the city of brotherly love. She is excelled by no large city in the world in all the elements and evidences of enlightened Christian civilization. She has immortalized herself in our centennial year by a queenly majesty of municipal deportment and a magnificence of patriotic hospitality which are a source of love and pride to her countrymen and have won for her the cordial and unstinted admiration of mankind. And it is a delightful relief for my aching head, as I copy and compile these statistics of damnation, to record the illuminating and illustrative fact that on those centennial grounds, from which intoxicating liquors were rigidly excluded, and where the aesthetic and diviner cravings of humanity were fed as from the gardens of God, among all the millions who wandered through that world of the last and highest results of civilization on earth, not one arrest was made for intoxication during the whole term of the exhibition. The infinite significance of that philosophy which not only demands prohibitory laws to restrain evil, but also the provision of food for the mind and stimulants to all the innocent, enlarging, and ennobling tendencies of the soul, could not be more strikingly illustrated and enforced.

Mr. Speaker, the records of New York, with her more than ten thousand liquor shops, one-half of which are unlicensed, and which Mr. Oliver Dyer says would line both sides of a street running from the Battery out eight miles into Westchester County, having, by the report of Superintendent Kennedy, made some years since, an average of one hundred and thirty-four visits each daily, with 50,844 arrests for intoxication and disorderly conduct in the single year 1868, and with 98,861 arrests for crimes of every description, nine-tenths of which were the result of drink; all these I have examined, but I have no heart to dwell upon them. I cannot endure their longer contemplation. The mathematics of this infinite evil are only paralleled by the tremendous calculations of astronomy, and as I quit the appalling theme I feel as though I had been calculating eclipses on the firmament of the pit.

If we can do no more for this agonized land, groaning and travelling in despair, than to institute the commission of inquiry into the statistical evidences which are waiting everywhere for proper authentication, and a bill for which having passed the Senate, reposes in the embrace of a committee of this House, we shall have accomplished something for which the ages to come will rise up to bless our memory; for I sincerely believe that nothing is required to work out our salvation from the great evil which we are considering but authentic knowledge, generally diffused among the people. In the pressure of the momentous affairs by which we are surrounded, I have not been able to summarize and classify as I would otherwise have done this statement of such facts as appear to me to be derived from reliable sources; but I have done the best I could, hoping that abler minds will turn their attention to the subject and that Congress will no longer neglect to institute official inquiries, with a view to such ultimate legal action as may arrest an evil which, if not arrested, will go far to destroy the American people.

HEARING OF THE SUBJECT UPON THE EDUCATION OF THE PEOPLE.

Some paper has sneeringly alluded to this proposed amendment as a measure of temperance reform for posterity. Chiefly so it is; and all the voices of humanity cry out for its adoption. All thinking men admit that the condition of posterity depends upon intelligence and virtue, and these are transmitted and developed by the educational institutions and processes of the country, of which by far the most important is the common school; and over that alone has the Government any control. Contrast for a moment the means of education in virtue and intelligence with those which exist for the promotion of vice and crime and misery in this country, and then let those sneer who will at a measure which aims to save posterity from the fate which, if there is no reform, will overtake us in national life just as surely as the time finally comes when the individual inebriate, whether in the horrors of delirium or the stupidity of the consumed sot, drops into the tomb of despair.

The census of 1870 shows that there are in the United States 141,629 schools, with 221,042 teachers and 7,209,938 pupils who attend in the aggregate—the average is less—costing \$95,402,226. Of these, 125,059 are public schools, with 183,195 teachers, 6,228,060 pupils, costing \$64,030,673 yearly.

There are 12,955,443 between the ages of five and eighteen years who should be at school, leaving 4,845,505 who do not attend at all. About 740,000 of these are engaged in labor of some kind; but there must be more than 3,000,000 who do not go to school at all. Dr. Hargreaves says that ninety-nine hundredths of them are children of the intemperate, and he makes the following tabular statement showing the relative efficiency of the "two educational systems" as they are operated in Pennsylvania, whose condition is not discreditable in comparison with the country at large:

EDUCATION IN KNOWLEDGE AND VIRTUE.	EDUCATION IN IMMORALITY AND VICE.
Schools, colleges, &c., in Pennsylvania.....	Drinking-places in Pennsylvania.....
Professors and teachers.....	Persons employed in liquor shops.....
Pupils and students, &c., in regular attendance.....	Tipplers and drunkards.....
Cost for educational purposes in Pennsylvania.....	Direct cost of liquors in Pennsylvania.....
16,090	23,606
18,793	45,490
542,076	892,604
\$8,399,723	\$80,000,000

More than nine times as much money spent to destroy as there is to save "posterity" by these two systems. And again he says: "Though within the last twenty years our teachers have increased from 25 to 30 per cent, and pupils attending school more than 50 per cent., yet crime has increased more than 60 per cent."

It is also said that the experience of the armies and navies of England and America is replete with evidence tending to demonstrate that the use of alcohol otherwise than medicinally is one of the chief sources of bad generalship, feeble and faulty movements, weakness, demoralization, incompetency, and inefficiency among officers and men, both in camp and field. This surely is a legitimate subject-matter for inquiry even at very large national expense, because when we appropriate so many millions yearly to promote the national power for the common defense it is most pertinent for us to know whether allegations can be substantiated, which, if true, require immediate and radical legislation for the national safety in time of war, as well as its prosperity and progress in peace.

Recognizing the tremendous significance of these facts, I desire to impress them upon the attention of this House and of this country and of this world—for rest assured, sir, that the inhabitants of no other are indifferent to them—by citations from a recent and most able public address delivered in New York City by Judge Noah Davis, whose pre-eminence as a jurist and as a man must compel reflection and should lead to most searching official investigation and inquiry by this nation through those who are charged with the responsibility of the discovery and destruction of whatever is prejudicial to the general welfare. The learned judge first cites certain declarations of high judicial authorities of England, followed by statistics from different parts of the British Empire, as follows:

That habits of intemperance are the chief cause of crime is the testimony of all judges of large experience. More than two hundred years ago Sir Matthew Hale, then chief justice of England, to whom as a writer and judge we are greatly indebted for our own criminal law, speaking on this subject, said: "The places of judicature I have long held in this kingdom have given me an opportunity to observe the original cause of most of the enormities that have been committed for the space of nearly twenty years, and by due observation I have found that if the murders and manslughters, the burglaries and robberies, the riots and tumults, the adulteries, fornications, rapes, and other enormities that have happened in that time were divided into five parts, four of them have been the issue and product of excessive drinking—of tavern and ale-house drinking." Leaping over two hundred years of English history and jurisprudence, I call one other eminent judge of great experience to testify. Lord Chief Baron Kelly, perhaps the oldest judge now on the English bench, says in a letter to the Archbishop of Canterbury: "Two-thirds of the crimes which come before the courts of law of this country are occasioned chiefly by intemperance."

Not less explicit is the testimony of those whose official duties have brought them in contact with convicted criminals. Speaking of intemperance, the chaplain of the Preston house of correction said: "Nine-tenths of the English crime requiring to be dealt with by law arises from the English sin which the law scarcely discourages." And the late inspector of English prisons says: "I am within the truth when I state that in four cases out of five, when an offense has been committed, intoxicating drink has been one of the causes." The reason for this is not found in the English skies. A committee of the house of commons of the Dominion of Canada, reporting in 1875, state that "out of 28,299 commitments to the goals (of the Provinces of Ontario and Quebec) during the three previous years, 21,236 were committed either for drunkenness or for crimes perpetrated under the influence of drink."

Before the close of October, 1838, Father Matthew had enrolled more than 250,000 names on his pledges of total abstinence. Well, names are nothing. Things are much. Lord Morpeth, when secretary for Ireland, in an address on the condition of Ireland, gave these statistics of cases of murder, attempts at murder, offenses against the person, aggravated assaults, and cutting and maiming; there were, he says, in 1837, 12,086; 1838, 11,058; 1839, 1,097; 1840, 173.

Between 1838 and 1840 the consumption of spirits in Ireland had fallen off 5,000,000 gallons; the public houses where liquors were retailed had lessened by 237 in the city of Dublin alone; the persons imprisoned in the Bridewell (the principal city prison) had fallen in a single year from 136 to 23, and more than 100 cells in the Bridewell being empty the Smithfield Prison was actually closed.

Referring to the report of the committee of the house of commons of the Dominion of Canada above cited, Judge Davis continues:

INTEMPERANCE IN THIS COUNTRY.

This is not a mere provincial imitation of the fashions of the mother country; for, alas, in our own land, under our beloved republican institutions, the same startling facts exist. Massachusetts, great keeper of Plymouth Rock and of the virtues that landed there, tells the same tale. The report of her State board of charities for 1869 says: "The proportion of crime traceable to this great vice must be set down as heretofore at not less than four-fifths;" and her inspectors of State prisons in 1868 give the same proportion. Coming closer home, we have the testimony of our board of police justices in their report of 1874: "We are fully satisfied," say they, "that intoxication is the one great leading cause that renders the existence of our police courts necessary."

Of seventeen cases of murder, examined separately by Dr. Harris, corresponding secretary of the prison association, fourteen were instigated by intoxicating drinks. The line of witnesses might stretch out to the crack of doom. The case would only be a little stronger. It is established beyond argument by official statistics, by the experience of courts, by the observation of enlightened philanthropists, that the prevalence of intemperance in every country is the standard by which its crimes may be measured. Whatever man or woman can do that checks intemperance diminishes crime, lessens vice and misery, and promotes virtue and happiness. Whatever man or woman does do that spreads intemperance increases crime, promotes vice and misery, and lessens virtue and happiness. The State has no soul to damn. The corporation of New York will never stand at the great judgment bar. The official who goes in to-day and out to-morrow will carry his own load of vice and meed of virtue; but neither State nor municipality will ever rise to the simplest of all duties—the prevention of crime and misery at the fountain-head—until the people are brought by individual effort to realize the necessity of that heroism.

The relation of intemperance to crime is also plainly manifest where drunkenness is repressed by partial or complete prohibition. The cases of towns and villages where, by the arrangements of their founders, no liquors or intoxicating drinks have ever been allowed to be sold, furnish strong evidence. Vineland, with its 10,000 people, without a grog-shop, and with a police force of one constable, who is also overseer of the poor, (with a salary for both offices of \$75,) reports in some years a single crime, and a poor-rate swelling to the aggregate of \$4 a year. Greeley, in Colorado, is another town of 3,000 people, and no liquor-shop. It uses and

needs no police force, and in two years and a half \$7 only was called out of its poor fund. Bavaria, Illinois, a town of the same population, with absolute prohibition, was without a drunkard, without a pauper, and without a crime. A small town in Western New York was founded some years ago by a gentleman, who made it a condition in all his title-deeds that if liquors were sold the land should revert to him. The condition became the subject of litigation in our courts, and was held to be valid and enforceable by ejectment. That village has none of the incidents of intemperance, and the same thing is true of numerous other places whose founders have established prohibition.

It may be said that these are not fair examples, because the inhabitants were all teetotalers or temperance men. They are less conclusive, perhaps, but they certainly show the value of the absence of temptation. How is it, then, where prohibition exists by absolute law? I will not take Maine, the hackneyed theme of so many contradictions, further than to state that in 1870 her convictions for crime under prohibition were only 431, or one in every 1,689; while in our State, (exclusive of this city,) under license, the convictions were 5,473 or one in every 620 souls. Can it be that the rural population of New York is so much more addicted to crime than the people of Maine?

But take Connecticut, facetiously called "the land of steady habits." Under the prohibition law of 1854 crime is shown to have diminished 75 per cent. On the restoration of license, in 1873, crime increased 50 per cent. in a single year; and in two years in Hartford, according to official returns presented by the Rev. Mr. Walker, crime increased in that city 400 per cent. In New London the prison was empty and the jailer out of business for a while after prohibition went into effect.

EXAMPLES FROM NEW YORK.

But we have had a striking example in our own city. The metropolitan excise law of 1866 was absolutely prohibitory on Sundays. Prior to that law there had been no material difference in the number of arrests made on that day and on other days of the week. Taking Tuesdays for comparison, there were from January 1, 1867, to October 1, 1868, of Tuesday arrests, 11,034; of Sunday arrests, 5,263; showing a difference of 5,771. A larger difference probably prevails under our present law, and the older citizens talk of the quiet and good order that now exist on Sundays as in striking contrast to the condition of things when liquors were freely sold on the Sabbath.

On the day of our annual elections a statute draws around each polling-place a circle of absolute prohibition, within which no intoxicating drinks may be sold or given. Contrasted with former days, who fails to recognize the change from excitement, disorder, and crime to almost universal quietude and peace? And who does not see that the measure of peace depends upon the vigilance with which the police enforce the statute? During the spasmodic effort of the police authorities of this city about one year ago to enforce the excise law, one of the police commissioners told me that in his opinion arrests for crime (other than for breaches of the excise laws) had fallen off between 30 and 40 per cent. Yet there was no general and complete enforcement of the law. This fact speaks volumes for what might be accomplished in New York.

But I am not here to argue for prohibition. My sole purpose is to establish that intemperance is an evil factor in crime by showing that whatever limits or suppresses the one diminishes the other in a ratio almost mathematically certain. Whether judging from the declared judicial experience of others, or from my own, or from carefully collected statistics running through many series of years, I believe it entirely safe to say that one-half of all the crime of this country and of Great Britain is caused by the intemperate use of intoxicating liquors; and that of the crimes involving personal violence certainly three-fourths are chargeable to the same cause. The practical question is: What can be done about it?

If intemperance were a new evil coming in upon us for the first time like a pestilence from some foreign shore, laden with its awful burden of disease, of pauperism and crime, with what horror would the nation contemplate its monstrous approach. What severity of laws, what stringency of quarantine, what activities of resistance, would be suddenly aroused. But, alas! it is no new evil. It surrounds us like an atmosphere, as it has our fathers through countless generations. It perverts judgments, it poisons habits, it sways passions, it taints churches and tears consciences. It seizes the engine of our legislation, and by it creates a moral phenomenon of perpetual motion which nature denies to physics; for it licenses and empowers itself to beget in endless rounds the wrongs, vices, and crimes which society is organized to prevent; and, worst of all for our country, it encoils parties like the serpents of Laocoon, and crushes in its folds the spirit of patriotism and virtue.

Yes, the practical question is, "What are you going to do about it?" Sir, the first duty of the American Congress is to officially authenticate or deny these assertions. That is the purpose of this bill. Here, then, we find it alleged that the alcoholic liquor traffic is one of the most important branches of business carried on in this country; that one billion of capital is invested in it; that upward of half a million or more than one-twentieth of our laboring-men are constantly employed by it; that at the present time \$700,000,000 are paid by our people yearly for strong drink, an amount greatly in excess of the expenditure for bread, and seven times that for education; that it kills sixty thousand individual souls and bodies annually, vitiates the sources of life, and degrades and destroys the physical, mental, and moral organization of the people. We are concentrating our mightiest efforts upon the propagation and culture of the upas and disseminating its poison, carefully adulterated, combined, and disguised with all available forms of cheaper and quicker death, through every breath which the nation draws, and commingling this taint from the pit of despair with the vital forces of American life. In the broad protection which, under the power to regulate foreign and interstate commerce, our Constitution and laws throw over this merchandise of destruction, it goes everywhere as freely as the foods which grow in our soil or the productions of the loom. Recognizing its accursed mission as the enemy of prosperity and civilization, we tax it heavily and convert it into a source of revenue, and thus we partake in the guilt. We pay a bounty to the man who kills wild beasts as a public benefactor, but here we reverse the process and license the wild beast of alcohol to prey upon our people indiscriminately, from the highest to the lowest, and among all classes and conditions, provided he pays to us in advance a meager proportion of the profits to be extorted from the victims of a business which now lies secure under the bomb-proofs of the Constitution. Thus the Government thrives on the ruin of those whom it was created to protect.

We are charged with the preservation of the public health; but we permit and draw our own salaries and mileage to-day from the profits of a curse for the existence of which we are responsible—a curse

which is the parent of all diseases; which counts more victims yearly than fell for freedom in the revolutionary war; which creates more than 80 per cent. of the pauperism, insanity, and crime, probably one-half the taxation, and the great mass of the misery throughout the country.

We are by our omission, nay, by our active participation in framing or upholding laws which recognize and encourage this traffic, engaged in the destruction of the industries, the resources, and the lives of our own people. We are annihilating the sources of legitimate revenue and nourishing poverty and death by legislation. We are verily guilty before God. The rum bill would pay the national debt in three years. We share fifty millions of the profits and permit six hundred and fifty millions to be invested in this great sinking fund of ruin which our partners in the liquor traffic, no worse than we, manage for themselves.

Now all this and vastly more than I can state is alleged against the traffic in alcohol. These things are charged upon the authority of the medical profession, whose vocation is the good of the human race; of the clergy, who come from the bedside of despair to denounce from every pulpit in the land this equivalent of all sin; of the recorded results of scientific inquiry conducted by honor and philanthropy, by the authority of great States and suffering municipalities.

And some things we ourselves do know, for we have seen them with our own eyes, and for many years we have watched this vile monster, worse than of the Nile, as he has crept with infernal activity from the still to the Capitol of the nation itself, crushing in his horrid jaws the forms of genius beloved in this very Hall.

Such things are alleged and this last we know. Shall we investigate? Shall we grant the prayer of millions and permit competent men gratuitously to serve their country on this commission? We have just appropriated \$50,000 to be expended in the endeavor to ascertain the causes and the remedies, if remedies there be, for the dreadful scourge which devastated the beautiful but plague-smitten South. If need be I would cheerfully vote a million. But here is a perpetual plague incessantly destroying through the heat of summer and the frost of winter, year after year, lo, now for these two centuries in this country; an evil which no single State and no combination of States can control, because it draws its vitality from the nation itself. This evil will thrive and the nation will suffer until its laws, its Constitution, and its customs are changed.

Let us, then, make the necessary inquiry that the truth may be known, and if the traffic in alcohol has been calumniated let us proclaim its vindication from the steps of the Capitol. If the charges shall be proved let us spread the information among the people, just as we gather up the statistics of the census upon this and other subjects for the general welfare and as a basis for appropriate legislation by Congress if any shall be thought possible and expedient, and for the guidance of the States if it shall be held to be a subject-matter within their exclusive control. We cannot avoid responsibility. We must say yes or no, and no more important vote has been cast by any of us. If we pass this bill it will reflect lasting honor upon the Forty-fifth Congress and embalm its memory in the affections of the American people.

If alcohol should be found guilty by a national commission of inquiry, the nation will find a way to preserve itself, either by the enactment of appropriate laws, which will be demanded by an enlightened public sentiment under existing powers of State or national legislation, or, by a peaceful amendment thereof, the written constitutions of this country, both of the nation and the States, will be enlarged so as to prohibit forever the legal existence of a traffic which, by its infernal aggregation of shames and crimes, has made the institution of African slavery more than respectable. The accusations of sectional animosity should be forever hushed while the whole American people gaze on their dead—dead babes, dead statesmen, widows and orphans worse than dead, institutions and the very sources of individual and national life dying, all slain by the laws of the land.

The accusers of alcohol are religion and law and medicine and philanthropy. By the united voice of their acknowledged representatives uttering themselves perpetually they proclaim the tremendous indictment through every avenue of communication and in every tone, from the moan of orphanage to the maledictions of outraged human nature and the indignant thunders of High Heaven itself.

Again, and finally, I ask in fear tempered with hope, will the American Congress—no, for the Senate has three times passed this bill—will this House of Representatives refuse to inquire?

Texas and Pacific Railroad.

SPEECH OF HON. HENRY W. BLAIR, OF NEW HAMPSHIRE.

IN THE HOUSE OF REPRESENTATIVES,

Saturday, January 18, 1879.

On the bill providing for a subsidy to the Texas and Pacific Railroad.

Mr. BLAIR. Mr. Speaker, the Texas Pacific Railroad Company was incorporated by act of March 3, 1871, with authority to construct a

line of railroad and telegraph from Marshall, in the State of Texas, along the thirty-second parallel of latitude, through that State and the Territories of New Mexico and Arizona and Southern California to the Pacific Ocean.

The State of Texas granted about twenty-two millions of acres of valuable public lands along the route, and the United States some eighteen millions of acres of less valuable lands lying westerly of the Rio Grande. Power was given to consolidate with or to absorb certain corporate franchises previously existing, and by such consolidation the Texas Pacific became the successor to the Southern Pacific Railroad Company of Texas, the Memphis, El Paso and Pacific Railroad Company, and the Southern Transcontinental Railroad Company. These were corporations existing by virtue of the laws of the State of Texas, and from them valuable land grants and franchises were obtained by this corporation, the name of which was by the amendatory act of May 2, 1872, changed to the Texas and Pacific Railroad Company. The entire length of their line from Marshall to the Pacific Ocean is fifteen hundred and seventy-four miles by the estimate of the Texas and Pacific authorities, while others assert the distance to be one hundred miles further.

CONDITIONS OF CONSTRUCTION.

The seventeenth section of the charter of the Texas and Pacific Railroad Company, by Congress, approved March 3, 1871, enacted—

That the said Texas Pacific Railroad Company shall commence the construction of its road simultaneously at San Diego, in the State of California, and from a point at or near Marshall, Texas, as hereinbefore described, and so prosecute the same as to have at least fifty consecutive miles of railroad from each of said points "complete and in running order" in two years after the passage of this act; and so continue to construct each year thereafter a sufficient number of miles to secure the completion of the whole line from the aforesaid point on the eastern boundary of the State of Texas to the bay of San Diego, in the State of California, as aforesaid, within ten years after the passage of this act; and upon failure to so complete it, Congress may adopt such measures as it may deem necessary and proper to secure its speedy completion.

Another act was procured by the corporation, approved May 2, 1872, which, in the fifth section, provided as follows:

That the said Texas Pacific Railway Company shall commence the construction of its road at or near Marshall, Texas, and proceed with its construction under the original act and this supplement, or in pursuance of the authority derived from any consolidation as aforesaid, westerly from a point near Marshall, and toward San Diego, in the State of California, on the line authorized by the original act, and so prosecute the same as to have at least one hundred consecutive miles of railroad from said point complete and in running order within two years after the passage of this act; and so continue to construct, each year thereafter, a sufficient number of miles not less than one hundred, to secure the completion of the whole line, from the aforesaid point on the eastern boundary of the State of Texas to the bay of San Diego, in the State of California, as aforesaid, within ten years after the passage of this act: *Provided, however,* That the said company shall commence the construction of said road from San Diego eastward within one year from the passage of this act, and construct not less than ten miles before the expiration of the second year, and after the second year not less than twenty-five miles per annum in continuous line thereafter, between San Diego and the Colorado River, until the junction is formed with the line from the east at the latter point, or east thereof, and upon failure so to complete it Congress may adopt such measures as it may deem necessary and proper to secure its speedy completion, and it shall also be lawful for said company to commence and prosecute the construction of its line from any other point or points on its line; but nothing in this act contained shall be so construed as to authorize the grant of any additional lands or subsidy of any nature or kind whatsoever on the part of the Government of the United States.

The minority of the House committee in their report say:

Failing to meet these provisions the Texas and Pacific Company has obtained by construction and purchase, and now has in operation, 443 miles of road, which inclose a parallelogram in Northeastern Texas, having a base of 183 miles extending from Marshall to Fort Worth, now the western terminus of the road, which only is a part of the trunk-line. The remainder of the 443 miles is so located as to secure the more valuable lands granted by the State of Texas, probably because the pecuniary embarrassments of the company were such that its credit was based chiefly upon the granted lands. There is thus remaining of the trunk-line between Fort Worth and San Diego a distance of 1,491 miles upon which nothing has been done.

This statement is upon the assumption that the entire distance from Marshall to San Diego is 1,674 miles.

APPLICATIONS FOR SUBSIDY.

The managers of the Texas and Pacific, finding it impossible to induce private capital to invest in their enterprise, applied to the Forty-third Congress for a subsidy to enable them to build the road, but failed in the attempt.

The project was not abandoned, however, and having attached several projected lines from the main line to easterly connections—to Saint Louis, Memphis, Vicksburgh, and New Orleans—so that the entire length of projected trunk and branches was three thousand sixty-six miles, a subsidy by way of an interest guarantee in the sum of \$117,150,000 was solicited, from the Forty-fourth Congress, being the full amount of the then estimated cost of construction and equipment of the whole.

In the various hearings before the committee of the House it was freely admitted that the company could not build the road without the subsidy. Neither at that time nor in any of the numerous propositions which that company has submitted to the Forty-fourth or the Forty-fifth Congress has the company proposed to raise any part of the necessary capital by contributions of stock or the means of the corporation or of individuals. The entire cost of construction and equipment would thus be raised upon the credit of the United States without risk of personal loss to any one engaged in the enterprise.

By the original act of March 3, 1872, the Southern Pacific Railroad of California was authorized to construct its line southeasterly to the Colorado River so as to form a junction with the Texas and Pacific at Fort Yuma on the southwest corner of Arizona, thus completing railroad communication with our Pacific possessions.

This company has complied with the conditions of construction imposed by its charter, and has not only crossed the Colorado at Fort Yuma, the point of contemplated union, but being under the necessity of finding easterly connections immediately, in order to avoid the destruction of the immense capital, about \$60,000,000, invested already upon the faith reposed in the enforcement of the conditions specified in the charter of the Texas and Pacific as to the rate of construction, the Southern Pacific procured a charter from the Territory of Arizona, under which it has already contracted for the completion of two hundred miles on the thirty-second parallel toward the Rio Grande by the 1st of next May, and the work is now being prosecuted with energy and success, some fifty miles being now in running order.

COMBINATION OF THE TEXAS AND PACIFIC WITH THE SOUTHERN PACIFIC FOR A SUBSIDY.

Finding serious opposition to the proposed subsidy in the Forty-fourth Congress, the Texas and Pacific entered into an agreement with the Southern Pacific, (which, being then practically at Fort Yuma, could not afford to wait for the construction of the entire line by the Texas and Pacific, even if the subsidy could finally be obtained,) by virtue of which the subsidy, if granted, was to be divided between the two corporations, according to the number of miles built by each, and the Texas and Pacific was to build, own, and operate from Fort Worth to a point one hundred miles west of El Paso, on the Rio Grande; and the Southern Pacific was to build, own, and operate the whole line between that point and San Diego and other ports on the Pacific coast northerly. A bill was prepared with these provisions and referred to the committee of the House, a majority of whom, through Mr. LAMAR, the chairman, reported in favor thereof; but the joint efforts of both corporations were insufficient to procure the subsidy from the Forty-fourth Congress.

I will not stop to explain the Protean forms in which the proposition for subsidy has been clothed by its friends in the various bills which have been introduced into the Forty-fifth Congress. At least five different bills have been submitted to the committee of the House, some of them asking more and some less, according to the hunger and prudence of the applicants; but the reduced and final proposition which is submitted as the least possible that the corporation can get along with is this: that the Government shall guarantee the interest at 5 per cent., in gold, to be paid semi-annually, upon \$38,750,000 of the bonds of the company, which are to be made payable in fifty years, secured by mortgage of the road and land grants, the interest being a preferred claim. This amount of bonds will be required to construct the road from Fort Worth to San Diego. No member of the company proposes to invest anything in the enterprise personally, but simply to run in debt on the credit of the Government to the full cost of the road and handle the money to the best advantage—of whom experience would demonstrate.

Such is the proposition pared down and purified until it seems as white and sweet and innocent as Mary's little lamb.

Waiving for the present all other considerations bearing upon the necessity of the construction of a railroad along the thirty-second parallel and of the public advantages to be derived therefrom, and assuming that the road is to be built by some party and at cost to somebody, the question arises by whom does the public good require that the road should be constructed and controlled? Whatever might under some circumstances be said in answer to this question, I shall assume that the road should be built, owned, and operated by a corporation, and not by the Government itself. If, then, the Government ought not to own the property which it is proposed to create, in what way can it be justified in assuming for a private party a liability to pay for the property or to loan its credit to that amount? Obviously it should not do so for the benefit of the owners of the road. It can be justified in charging the whole people with a pecuniary liability only when absolutely essential to the public good and to provide for the national preservation.

The nation should never be taxed or be made liable for taxation to promote any private enterprise, however beneficial to the country at large, when the capital can be obtained from private sources, and thus the public good be equally secured without the imposition of a public burden.

The construction of the Union and Central Pacific Railroads was a war measure. It preserved the integrity of our dominions. Whatever might have been its anticipated commercial advantages to the public or to individuals, it was as impossible to build this road amid the alarms of war by private capital as to have created and sailed a peaceful commercial marine within reach of the broadsides of the Alabama and the Shenandoah. The pecuniary subsidy was given as a legitimate war expenditure. No other pecuniary subsidy ever has been given by the Government to any railroad company. All land grants to aid in the construction of any road have been made upon a wholly different principle, to wit, that the value of the remaining lands was thereby to be enhanced beyond the previous value of the whole; and it was therefore not a pecuniary contribution, nor, in fact, any contribution by the Government, but rather an increase of the public property, which otherwise would have been worthless, without incurring any liability or sacrificing any value previously available to the Government.

It cannot, then, be claimed that this great war measure should be made a precedent for times of peace. Neither is the contribution of money in time of peace, which implies taxation or the risk of it

and the gift of land, by any means one and the same thing; but in the face of an overmastering public sentiment against new grants of land to aid in the construction of railroads and even in favor of reclaiming all lands already granted where the corporations have abandoned the effort to build, it is an act of boldness bordering upon the heroic, in a time of profound peace, to demand a pecuniary indorsement for the full cost of the road and equipment, in addition to forty millions of acres of land, a grant which of itself, if properly managed, will far more than pay the entire expense.

It is not surprising that twenty other corporations with ideal existences and locations are watching with bated breath the progress of a scheme which, if successful, will furnish a precedent in their favor as sure to be followed as water is to run out when the dam is broken away.

The line from Omaha to San Francisco is the only one necessary as a military road in case of foreign war. In fact, its location in the center of our territory from north to south makes it invulnerable to invasion, while both the Northern and Texas Pacific would be liable to interruption and destruction from border raids or to be permanently held by regular armies marching either from the north or south. But my imagination is too dull to conceive the possibility of invasion from Canada or from Mexico in the present generation. The scrimmages known as Indian wars raise no question of territorial unity, and as they are practically over along the line of the thirty-second parallel their discussion is irrelevant at the present time.

Not to be tedious, I only wish here to say that it is impossible to draw a parallel between the circumstances which rendered it proper to construct the Union and Central Pacific and those surrounding this application; and the claim that something must be given to the South in the way of industrial improvements to balance the favor shown to northern interests, is simply preposterous. To the very few southern men here or elsewhere who set up this claim I have only to say that at the same time and for the same reasons that the nation incurred its liability to secure the construction of the great middle line of rail communication with the Pacific, to wit, as a war measure, we expended six billions of money and hundreds of thousands of lives for internal improvements at the South, from the burdens of which we shall suffer for generations; and that whenever it again becomes necessary to build railroads at national expense to preserve our territorial integrity and the political union of these States, it will certainly be done.

THE ROAD IS NOW IN PROCESS OF RAPID CONSTRUCTION.

But the construction of the road does not depend either upon the further action of the Texas and Pacific or of the Government in the premises. The Government ought not to build it. The Texas and Pacific cannot; at least its representatives so say; and if they can build it, why do they not do it? They have constructed less than one-eighth of their line, and that the most accessible and inexpensive. Seven-tenths of their time elapsed, and not a single condition as to the completion of the several sections is complied with. There can be not only no doubt of the pecuniary inability of this company, proved alike by its words and acts, but also of the further fact that it has forfeited its rights under the legislation of the United States, and probably under that of Texas, to further build and operate on the line of its road at all, without remedial enactments. The only other party which proposes to construct the road along the thirty-second parallel is the Southern Pacific Railroad.

This road proposes to build the line from San Diego to El Paso without either money, bonds, or land grant. It is now building it more rapidly than the Texas and Pacific was required to by its charter, and two hundred miles of the six hundred between Fort Yuma and El Paso on the Rio Grande will be running in four months from today. The construction of the remainder of the line must be prosecuted with equal energy and dispatch as a matter of protection to capital wasting for the lack of eastern connections. Arriving at El Paso, unless met there by other roads from the east converging at that point from northerly-central and southerly connections on the Mississippi, the Southern Pacific Railroad proposes, the State of Texas assenting, to push across her vast and fertile plains until its trains loaded with the commodities of the Occident salute the commerce of the Southern Mississippi Valley and of the imperial Gulf and Atlantic States.

But for the pertinacious and prolonged effort which has been made to procure the money and, that failing, the credit of the Government, so that the operations of private capital have been hindered and hampered, I believe that New Orleans to-day would have enjoyed rail communication with San Diego and San Francisco, and that the main line from Fort Worth westerly would have been nearly built to El Paso or to some point upon the completed Southern Pacific along the thirty-second parallel.

Most of the provisions incorporated in the bills of both these corporations as to Government control and Government service in every possible regard are explicit and satisfactory. Nothing is necessary but to enforce them. These provisions are quite as advantageous in all respects, and in some far more so in the bill of the Southern Pacific, which builds for nothing from the Government and at its own expense, as in the bill of the Texas and Pacific, which builds nothing of itself, and incurs no expenditure on the part of its stockholders, but generously consents to act as the trustee and beneficiary of the Government credit.

ANALYSIS OF THE PROPOSITION OF THE TEXAS PACIFIC.

The proposition of the Texas and Pacific Company, which is advocated in the majority report of the Committee on Pacific Railroads, deserves, however, a closer analysis. It professes to be most careful of the public credit, and promises to be very economical in expenditure. Accordingly it is provided that the Government shall retain the bonds of the company, indorsing and issuing them only as they are called for in the construction of the road; and if anything can be saved this company will be sure to save it.

But what provision of law can prevent the company from contracting for the building of the road with whom it pleases, and for the full price which they now say it will cost, which under the pressure of criticism and evidence brought to bear against the scheme they have reduced from \$40,000 per mile to \$20,000 within two years? Is there no construction company organized within the limits of its corporate horizon ready to take the contract of itself at the full amount of the proposed subsidy? This allegation, often made, has never been denied to my knowledge, and these bonds will pass direct from the vaults of the Treasury of the United States to the pockets of the contractors, who will hold them or sell them as the best bond in the markets of the world. Let us look at this bond. It is to run fifty years, the longest term of any government bond on earth, I believe, and the most secure. Interest at 5 per cent. is to be paid semi-annually, and both principal and interest are payable in coin. Government is liable for the interest but not for the principal, which is not due for fifty years, a term equal to the business life of two generations; such is to be the contract.

The interest is \$968,750 every six months; that is, the Government is to assume the liability to make one hundred payments of that amount, which, without any allowance for interest on these payments, is in all \$96,875,000. Computing simple interest on each payment separately and the aggregate is \$216,757,800. At compound interest on each payment the sum is \$419,031,400. So that, treating these payments as investments in a sinking fund for the payment of the national debt, which is the only proper way, since every dollar of it is required for that purpose, and the total for fifty years is the enormous sum last mentioned.

Again: the Government is to be made liable to pay 5 per cent. in coin. Our 4 per cent. thirty-year bonds are now selling at par. The principal of these bonds is to be secured by all the property and franchises of the road. It will be absolutely secure, for in fifty years the road and lands and sinking fund must amount to more than the original cost. This bond, then, would, if offered, be in all probability the best bond in the world, and would unquestionably pass into the pockets of the construction company at par, and out of them at a very high premium, which would constitute an enormous bonus in addition to the profits of the original contract. The Government can place such a loan to-day at $3\frac{1}{2}$ per cent., or even less. Here, then, is $1\frac{1}{2}$ per cent. on the whole amount which passes into the hands of the bondholders semi-annually in excess of the sum which the Government should pay. It is to pay 5 per cent. interest when $3\frac{1}{2}$ is the market price, really as a gift to the owners of these bonds, who will be sure to be the same men who, understanding well what they are about, are prosecuting this scheme. Bearing upon this important view of the subject, I beg leave to submit the following communication from Hon. E. B. Elliott, the eminent actuary of the United States Mint:

TREASURY DEPARTMENT, January 16, 1879.

DEAR SIR: In response to your request for answers to certain questions which you propound, I have the honor to transmit the accompanying memorandum:

Answers to questions propounded by Hon. H. W. BLAIR, M. C.:

Required, first. The amount of interest on \$38,750,000 at five (5) per cent. per annum, payable semi-annually, for fifty (50) years; that is, one hundred semi-annual payments, without interest on the payments. Also, with the same conditions otherwise, but with interest at the rate of $3\frac{1}{2}$ per cent. per annum on the \$38,750,000.

Answer. The amount of interest on \$1 at 5 per cent. per annum, payable semi-annually, for fifty years, is 100 times \$0.925, or \$2.50. It follows that the amount of interest on \$38,750,000, at 5 per cent. per annum, payable semi-annually, is 38,750,000 times \$2.50, or \$96,875,000. At $3\frac{1}{2}$ per cent. per annum, otherwise with the same conditions, the interest on \$1 would amount to \$1.75, and the interest on \$38,750,000 would amount to 38,750,000 times \$1.75, or to \$67,812,500.

Required, second. The amount of this interest, with simple interest on each semi-annual payment until the expiration of the fifty years.

Answer. The amount of interest on \$1, at 5 per cent. per annum, and improved at 5 per cent. per annum simple interest for fifty years is \$5.59375; and the amount on \$1, at $3\frac{1}{2}$ per cent. per annum, improved at $3\frac{1}{2}$ per cent. per annum simple interest for the fifty years is \$3.2659375; the amount of interest on \$38,750,000, improved at these rates, respectively, is, therefore, \$216,757,800 and \$126,555,100.

Required, third. The amount of such interest, with compound interest on these semi-annual payments of interest.

Answer. The amount of interest on \$1, at 5 per cent. per annum, payable in semi-annual installments and improved semi-annually or compound interest at the rate of 5 per cent. per annum for fifty years is \$10.81372; and the amount of interest on \$1, at the rate of $3\frac{1}{2}$ per cent. per annum, improved semi-annually for fifty years, is \$4.06816; the amount of interest on \$38,750,000 at these rates, respectively, is, therefore, \$419,031,400 and \$180,891,300.

Required, fourth. The amount of a sinking fund at 5 per cent. and at $3\frac{1}{2}$ per cent., respectively, made up of these semi-annual payments.

Answer. Semi-annual contributions of \$968,750 and \$678,125, respectively, to sinking funds, improved semi-annually at the rates of 5 and $3\frac{1}{2}$ per cent. per annum, respectively, would amount at the expiration of fifty years to \$419,041,400 and \$180,891,300.

In response to your inquiry as to the probable future borrowing power or credit of the United States Government, I would state that in a statistical paper which I read in the year 1871 before the American Association for the Advancement of Science, at its session then held in Indianapolis, I called attention to the fact that the normal borrowing power or credit of the Government, as indicated by the results of statistical research, was from $3\frac{1}{2}$ to 4 per cent. per annum; and my pres-

ent opinion is that in the near future, if the credit of the Government remains undisturbed, and improving as the result of continued prosperity and good faith, the United States may borrow, and its securities be in demand in the markets of the world, at the satisfactory rate of $3\frac{1}{2}$ per cent.

E. B. ELLIOTT.

Hon. H. W. BLAIR.

RECAPITULATION.

First case: No interest on semi-annual payments.

Principal \$38,750,000

Semi-annual payment at—

5 per cent. per annum $2\frac{1}{2}$ per cent. of \$38,750,000 = 968,750

$3\frac{1}{2}$ per cent. per annum $1\frac{1}{2}$ per cent. of 38,750,000 = 678,125

Amount of one hundred semi-annual payments, without

interest, at—

5 per cent. per annum $2\frac{1}{2}$ per cent. of 38,750,000 = 96,875,000

$3\frac{1}{2}$ per cent. per annum $1\frac{1}{2}$ per cent. of 38,750,000 = 67,812,500

Second case: Simple interest on the semi-annual payments.

Principal 38,750,000

Semi-annual payment at—

5 per cent. per annum $2\frac{1}{2}$ per cent. of \$38,750,000 = 968,750

$3\frac{1}{2}$ per cent. per annum $1\frac{1}{2}$ per cent. of 38,750,000 = 678,125

Amount of the one hundred semi-annual payments, im-

proved at simple interest, at—

5 per cent. per annum $5.59375 \times 38,750,000 = 216,757,800$

$3\frac{1}{2}$ per cent. per annum $3.2659375 \times 38,750,000 = 126,555,100$

Third case: Compound interest on investment of the semi-annual payments.

Principal \$38,750,000

Semi-annual payments at—

5 per cent. per annum $2\frac{1}{2}$ per cent. of \$38,750,000 = 968,750

$3\frac{1}{2}$ per cent. per annum $1\frac{1}{2}$ per cent. of 38,750,000 = 678,125

Amount of the one hundred semi-annual payments at

5 per cent. and at $3\frac{1}{2}$ per cent. per annum, improved at

compound interest, at—

5 per cent. per annum $10.81372 \times 38,750,000 = 419,041,400$

$3\frac{1}{2}$ per cent. per annum $4.06816 \times 38,750,000 = 180,891,300$

Thus it is seen, first, that if the amount realized by the holders of these bonds in the way of their semi-annual interest by reason of the excessive rate which they are to bear if computed at simple interest is \$216,757,800, less \$126,555,100, or \$90,202,700, largely more than twice the principal of the bonds; second, that this needless excess of interest paid semi-annually at compound interest amounts to \$419,041,400, less \$180,891,300 = \$238,650,100, or six times the principal of the bonds.

First, then, the Government and the State of Texas are to renew a franchise and land grant, (equal in value if properly managed to the cost of the road,) both of which are absolutely forfeited and defunct already, and can only be resurrected by legislation; then the Government is to assume a liability to pay a total gross sum of \$419,041,400; and, over and above all honest and necessary expenditure, the Government is to assume the liability to pay, or at least suffer a loss by the diversion of public revenues from uses existing and imperatively necessary to the pockets of the owners of these bonds, a total of \$238,650,100, being six times the principal of the bonds. Thus the owners of these bonds would be able to realize \$238,650,100 less \$38,750,000 = \$199,900,100 and throw away the principal, for which, however, they hold the road.

In other words, the Government could build and equip the road and give it to the Texas Pacific outright, and save \$199,900,100 and the forty million acres of land to the State of Texas and to the nation besides.

Add to this the fact that the North Pacific has just contracted, at the rate of \$10,000 per mile, for the construction and equipment of two hundred miles of road quite as expensive as this upon which the Texas Pacific will pay to its construction company—its *imperium in imperio*—\$20,000 per mile, and the milk in this cocoanut seems to be the very finest quality of cream; all which is conspicuously visible to the most naked eye.

Such is the proposition of the Texas Pacific Railroad. In a few words, the case is this: Here is a corporation whose charter provides that—

Nothing in this act contained shall be so construed as to authorize the grant of any additional lands or subsidy of any nature or kind whatsoever on the part of the Government of the United States—

which, at the expiration of seven-tenths of the time allowed for the completion of its whole line of one thousand five hundred and seventy-four miles of road, has constructed one hundred and eighty-four miles, and that distance at its easterly and therefore easier and cheaper portion, or one-eighth part of its contract, and which has not laid a rail on its main line for three years, and during all that time has cried aloud and spared not in its clamor that it could build no more unless the Government would vitalize its defunct credit by pledging its own to the amount of the cost of the whole and for millions more to enrich those who should manipulate the bonds; and further, like the dog in the manger, one which has steadily and sturdily declared that no one else should build for nothing where it admits itself unable to build or borrow upon its own credit at all. In no single respect has it complied with a single provision of its charter. Not alone has it failed in all its contracts and pledges to the Government, but, relying upon its good faith and promise to an agreement with the Southern Pacific to build both from San Diego and across Texas and the Territories to Fort Yuma, the last-named corporation has constructed hundreds of miles of supremely difficult work and laid its rails through at least three hundred and fifty miles of absolute desolation where the local business will not pay for the oil which lubricates its engines, and there she is to-day with seven hundred and twenty miles of road, costing \$60,000,000, connecting at one end with San Francisco and with the Pacific ports south of San Francisco nearly to San Diego, and rapidly completing connection with that

plucky little city, which might just as well have been run, like the head of the ostrich, into the sands of Sahara if obliged to stop where its easterly extremity now is. Yet the promised connection is thirteen hundred miles away, and the Texas Pacific, motionless as a corpse itself, insists upon the ruin of a corporation which, if it does nothing else, does at least build its road according to its charter, storming and surmounting every obstacle in its path and keeping faith with the Government and the people of the country.

FORFEITURE OF FRANCHISES AND LAND GRANT BY TEXAS PACIFIC.

By the terms of the charter the Texas Pacific was to build easterly from San Diego and westerly from Marshall each year in the manner specified in the earlier part of my remarks.

And upon failure so to complete it Congress may adopt such measures as it may deem necessary and proper to secure its speedy completion.

Now it is claimed in substance that Congress cannot interfere by any measures to compel the Texas Pacific to complete the road or to secure its speedy completion by any other agency until the whole ten years are expired. In short, although the Texas and Pacific had never laid a rail or turned a single turf on its route, still the whole nation must wait ten years at its will; the Southern Pacific must rest on the torrid banks of the Colorado while its capital drifts away in the sand-storms of the great California desert; the sun and moon must stand still until the appointed time, while it cries out at the doors of the Treasury for subsidy and credit, frightening away private investments, and all the time proclaiming that it never can complete, not the road, but not even another mile of it, unless rescued by legislation and the national credit.

Now the question arises, Is this so? Why, then, did the charter so carefully provide that a certain distance should be constructed each year? Was it not in order that the very thing which has happened might not happen; and if it did happen that Congress might at once "take such measures as it might deem necessary," any measures whatever that in its discretion might seem necessary and proper, to "secure its speedy completion?"

No other construction of the fifth section of the act of May 2, 1872, is rational or possible.

Is it not already apparent that under no circumstances can the Texas and Pacific complete the whole within the time limited by law? Has it not said so every day and through every press in America for the last four years? Does it not make that impossibility on its part the basis, the very cause and sole reason, of its application, for public aid?

Why, if there were no such provision at all in the charter, even then there can be no doubt that under the final clause reserving the right to alter, amend, and repeal Congress could repeal the charter and dissolve the corporate existence, at least as to all that portion of its projected line which still remains untouched, and reclaim the unearned granted lands. Nothing is necessary for this purpose under this charter and the general provisions of law but the exercise of the legislative or judicial powers.

The provisions of the fifth section of the act of 1872, above cited, very clearly require the completion of certain sections yearly in order that the country may have the assurance by the visible progress of the work that the whole will be done in ten years. After specifying the distances to be constructed each year follows this language:

And upon failure so to complete it Congress may adopt such measures as it may deem necessary and proper to secure its speedy completion.

The whole scope of the section is to secure the construction or completion—for the words are used interchangeably—of sections of the work annually, so that the whole line may be constructed or completed within the whole time allowed for it. I think the decision of the Supreme Court in *Farnsworth et al. vs. Minn. and Pacific Railroad*, 2 Otto, 49, covers this case so far as the power of Congress to declare the forfeiture of the land grant and franchises of the Texas and Pacific Railroad through the Territories and California is concerned. Be that as it may, however, Congress certainly has power to charter another road anywhere at any time, if in its discretion it decides that the public good requires it to be done.

BENEFITS TO BE DERIVED BY THE PUBLIC.

It is urged that the Government should construct this road by its credit, because of the incidental advantages of postal and military transportation. But since the Government must pay for its transportation in any event, is there any reason why it may not as well pay to a road built with private as to one built with public capital?

It is said by the majority that by the terms of this bill Congress may control fares and freights. Can it not impose the same or more stringent provisions before granting a charter to any other corporation, in order to secure "the speedy completion" of the line?

Is it not the settled law of the land that Congress may regulate and control the rates of fares and freights over the line of every chartered common carrier in the country? Of what consequence, then, are these reservations and deceptive repetitions of established general law, as though they were some great concession to the dear people? Some important special reservations unknown hitherto are made in the bill proposed by the minority of the committee, but generally in all these bills what are paraded as wonderful concessions are but the diluted statement of general rules which inclose every corporation within the limits of the general welfare.

But this bill stealthily seeks by implication, under the guise of

excessive fairness, to reserve to itself the power which otherwise it would not possess, to absolutely control the regulation of all its local fares and freights. The importance of this is seen from the fact that the local business of the Central and Union Pacific roads is more than 90 per cent. of the whole.

The bill provides (see the speech of Senator MATTHEWS in the RECORD of December 4, 1878, and bill reported by House committee) that "the rates for the carriage of through freight and passengers agreed upon from time to time shall be fair and reasonable, just as though that had not been the very test between the carrier for hire and the bailor before the juries of the country for centuries." "And," proceeds the able Senator, quoting from the bill itself, "it is expressly stipulated that Congress shall at all times have the right to regulate rates for the transportation of such"—that is through—"freight and passengers, &c., over the entire lines of the Texas and Pacific Railway Company and over the entire lines of connecting companies," &c.

Why is this express reservation of a right already possessed by the public thus limited to through freight and passengers unless it is meant by implication to secure to the company absolute control of the rates of all local transportation in derogation of the general law as expounded in our highest court?

It is assumed that by the charter of the road the Government itself has declared that the public good requires the construction of this line. In a very limited sense only is this so. The exercise of the right of eminent domain, which is such declaration in ordinary cases by subordinating private rights to those of society for reasonable compensation is a very different thing from granting away for the purpose of making the remainder more valuable than the whole otherwise would have been, alternate sections of waste public lands, never yet the subject of private ownership at all, and unlikely to be for many years, along with the right of way through the same lands, so that the whole transaction, so far as the Government is concerned, is little more than a license to private enterprise to improve the desert at its own risk and expense. Such a charter does not constitute an argument for a subsidy either of money or credit after experiment has demonstrated the worthlessness of the privileges conferred by it in the hands of those who hold them.

It is urged that the water line from San Diego to San Francisco will compete with the rail line from Fort Yuma to the last-named city. But no one can for a moment believe the freight or passenger travel will submit to the delay, inconvenience, and expense implied by re-shipment and a water route of eight hundred miles. Time and money and the immense capital, connections, and terminal facilities of San Francisco are all on the side of the all-land route. Seven hundred and twenty miles, the distance from Fort Yuma to San Francisco, are already controlled and must continue to be hereafter by the Southern Pacific, a State corporation without important stipulations for Government control in its charter, but which defect will be supplied if the bill of the minority passes. This is all the power necessary to enable the owners of the Southern Pacific, if disposed, to tax transportation along this line to any extent the corporation may desire. It surely is not necessary for this purpose that the Southern Pacific build still further into the deserts of Arizona and New Mexico to obtain power to control substantially the California trade over the proposed route. Besides, if the Southern Pacific is only intent upon preventing the construction of a competing route to the Union and Central Pacific, why did it sell its franchise to the Texas Pacific in 1873? The following letter is pertinent here:

NO. 9 NASSAU STREET, NEW YORK, January 4, 1879.

DEAR SIR: Yours, inquiring as to certain transactions in regard to the Southern Pacific Railroad, is received.

In reply I beg to state you are correct in your recollection. The Southern Pacific Railroad Company, soon after my taking an interest in the road, negotiated for the sale of their entire road, franchises, and surveys in California, to the Texas and Pacific Railway Company. This was in the summer of 1873. Colonel Scott conducted the matter on behalf of the latter company, and myself on the part of the Southern Pacific. The agreement was reached, and the bargain made to transfer the whole property, so as to give the Texas Pacific entry into San Francisco via Yuma and Los Angeles, on the route now occupied by the completed Southern Pacific Road; and nothing but the failure of the Texas Pacific to meet the required payments prevented its passing into their hands.

Colonel Scott will not dispute this, I think, as he was the first to mention it at a hearing before the House committee three years ago, and again it was alluded to in his presence at a hearing on January 31, 1878, which you will find in the printed arguments.

Our pamphlet account of the meeting shows that Colonel Scott was present on both occasions, as well as yourself, and confirms your impression of the matter, as you will see.

Very respectfully yours,

C. P. HUNTINGTON.

Hon. H. W. BLAIR,

House of Representatives, Washington, D. C.

How is it possible if the interests of these two great lines should lead them to combine, to compete, or to ignore each other—how is it possible to prevent it? Is there any way given among men in a free country by which individual owners of stock in one corporation can be prevented from purchasing and controlling the property in any other?

Suppose that financial and personal interests between these corporations are hostile now, how long will they remain so to their own detriment? These roads will exist so long as we are a commercial people; but already the Titans who have chained our trans-Mississippi possessions to the fortunes of the nation forever are passing away. Where are Ames, and Hopkins, and Colton, and many of their

competers? And the sun of the survivors sinks rapidly to the western horizon. Who will own the stock of the Union, or the Central, or the Southern, or the Texas Pacific Railroads in twenty years, or even in ten?

Is it worth while for this Government to furnish the credit for the construction of a rival line when, if it becomes so in point of fact, if they compete to their own injury, all of them will be likely to fall into the same hands before one-fifth of the term of the proposed bonds shall have elapsed? But these great roads seven hundred miles apart will represent immense empires of trade and commerce of their own. They never will compete to but very limited extent. They will be practically as distinct as though they were in the opposite temperate zones of the earth—the one in North and the other in South America. If any road ever competes with the Central Pacific line it must be that by way of Atchison and Santa Fé. If the Texas and Pacific competes with the line of the forty-second parallel, it will be because its easterly terminus is in Philadelphia, and not in the South Atlantic States; that is to say, because it is no southern railroad at all. That must be obvious to any man who looks at the map, and should convince him that the talk of competition between the thirty-second and the forty-second parallel is fallacious and visionary to the last degree.

I think that it should never be forgotten that the chief business—at least 90 per cent.—of these roads must always be of a local character. Should there be a serious competition created between through traffic over these lines, which I do not believe is possible, the advantage being as is claimed very largely in favor of the southern line, the result would be simply this: the through business of the line of the forty-second parallel being destroyed or done at a ruinous loss—for no permanent competition can exist unless there is a substantial equivalency of advantages between the roads—the entire burden of supporting the road, making up the losses by attempted competition on through business, paying dividends, the Government claim of one hundred millions and the sixty-five millions of other indebtedness, must be thrown upon the local business from Omaha to San Francisco.

Are such consequences as these promotive of the public good?

I believe that the importance of the immediate construction of the whole line to the public is much overrated, although it would promote local interests largely; yet it is desirable and will soon become a necessity.

Bearing upon the development of the south, west of the Mississippi, of the expense of the south east of that river, I invite attention to these facts: In 1870 the Southern States averaged about 14 inhabitants to the square mile. This great and fertile section of the country has some 900,000 square miles of territory. With a population no denser than that of the British isles she would maintain 263 to the square mile, or a total of 236,700,000; or than that of France, 180 to the square mile—162,000,000; or than the German Empire, 191 to the square mile—171,900,000; or Italy, 234 to the square mile—210,600,000. If the result of the construction of this road is to attract from the South Atlantic and Gulf States local capital, labor, or skill, or to prevent the influx of any one of these from abroad, it is a serious question whether the real prosperity of that section will be promoted by its construction at all.

Such an outlet to the Pacific is of slight consequence now so far as the commerce of the Orient is concerned. There is no sense in which a single Southern State east of Texas is interested to attract emigration and labor from its own sparse supply of population and productive muscle to the Southwest. With an average population of about fourteen to the square mile, the Gulf and South Atlantic States need to keep what they have and attract to themselves both capital and labor instead of draining themselves for the benefit of the Texan and Pacific empire. It is high time that we everywhere, in every State, endeavor to consolidate, to concentrate, and hold our own populations. It will be half a century before San Diego can become an important emporium of Asiatic trade, and even if it were already such an emporium and the Texas and Pacific Railroad were in control of the route, that road never would compete with the Central and Union Pacific for Asiatic productions to be distributed in the Southern States, because these two lines are seven hundred miles apart, and so are their respective termini on the Pacific and Atlantic coasts. Still it is a great enterprise. I would see it completed just as I would see the Northern Pacific completed, by private enterprise. If it were absolutely necessary in order to secure its completion by private enterprise to renew the forfeited land grant and extend the time, I would do so, just as I would so vote to benefit the Northern Pacific, a struggling corporation which is building its road, whose pluck and enterprise I admire, and whose rapid completion I would promote in every reasonable way.

But, in every such renewal there should be stringent provisions and reservations for the benefit of the settler and of the public. But I am not willing to do either for the Texas Pacific, because it is both unnecessary and useless.

During the last session, by direction of a minority of the Committee on Pacific Railroads, I had the honor to present a report dissenting from that of the majority, together with a bill declaring the land grant and franchise of the Texas and Pacific derived from the United States to be forfeited, and enabling the Southern Pacific to extend its road easterly until it can form those connections which are indispensable to save its immense capital from almost total sacrifice.

Inasmuch as the printed copies of this report are exhausted I think

that my colleagues in that minority will not complain if I take the liberty to cite therefrom somewhat at length that part which relates to the Southern Pacific Road, its relations to the contemplated route along the thirty-second parallel, and the bill the passage of which we believe will furnish the only means of constructing it available for many years:

THE SOUTHERN PACIFIC ROAD.

The Southern Pacific Railroad Company is a corporation of the State of California. Its original charter required the yearly construction of certain definite portions of its road, which condition, with others therein imposed, have been substantially complied with. The twenty-third section of the act of Congress of 1871, above cited, is as follows:

"That, for the purpose of connecting the Texas Pacific Railroad with the city of San Francisco, the Southern Pacific Railroad Company of California is hereby authorized (subject to the laws of California) to construct a line of railroad from a point at or near Tehachapa Pass, by way of Los Angeles, to the Texas Pacific Railroad, at or near the Colorado River, with the same rights, grants, and privileges, and subject to the same limitations, restrictions, and conditions as were granted to said Southern Pacific Railroad Company of California by the act of July 27, 1866."

This corporation has constructed its road to Fort Yuma, on the easterly bank of the Colorado River, in the southwesterly corner of the Territory of Arizona, which it claims to be the authorized point of connection with the Texas and Pacific road, a distance of about seven hundred and twenty miles. Its track has been laid through and over extraordinary natural obstacles at the expense of about \$60,000,000, and the three hundred and fifty miles of its southern portion passes through a desert, and for one hundred and sixty-four miles nearest the Colorado without an oasis. This road, built to preserve the charter, is of little value except for its anticipated connections with the Southern States, from which, owing to the failure of the Texas and Pacific Company to comply with the requisitions of law, it is now more than twelve hundred miles distant.

It is true the road would do a limited business with Arizona should it be built no further. But the population of that Territory is only about thirty-five thousand, and of these not a large proportion would do business with it because of the inconvenient point of contact and of the imperfect communication via the Colorado River.

The road is already there, with its millions of money invested over a sandy waste, upon the good faith of the Government that the Texas and Pacific Road should be constructed so as to meet it at the Colorado River, or, in the event of the failure of that corporation so to do, that Congress should take such measures as should enable it to connect with the Southern States of the Union.

The Southern Pacific Railroad Company, therefore, will suffer great loss unless it receives immediate relief by such legislation as will secure the early completion of the road along the thirty-second parallel. True, it might prolong its existence by high tariffs levied upon the scanty commerce of that sparse population, which, if now burdensome to the people, must remain so until eastern communications, and consequent increasing traffic, shall result in a reduction consistent with the continued existence of the corporation itself, and with some return upon the enormous sums invested. An increase of railroad facilities and connections is the only means of relieving the people of those Territories from the high rates of transportation incident to their isolated condition and the development of the vast mineral wealth of those great Territories, larger and richer in natural resources than many powerful kingdoms of the world.

POSITION OF THE SOUTHERN PACIFIC ROAD.

The Southern Pacific Railroad, by force of the absolute necessity of its securing eastern connections as soon as possible, in order to preserve its capital, is the only party which has both the power and the disposition to build this road.

Early in the sessions of this Congress a bill was introduced by Mr. MONEY, of Mississippi, proposing in substance to declare the franchise and land grant of the Texas and Pacific Company west of the Rio Grande River (the boundary between Texas and New Mexico) to be forfeited, and that the Southern Pacific Company be subrogated to the grants originally made to the Texas and Pacific Company west of said river. By the terms of this bill the Southern Pacific was to complete the road to El Paso, on the Rio Grande, six hundred miles easterly from its present terminus, which is at Fort Yuma, in six years; and if, at the end of that time, no other railroad should have been constructed westerly to connect the Southern States with its line at El Paso, then, with the consent of the State of Texas, the Southern Pacific Company might push easterly until the connection indispensable to this company could be made with the Mississippi Valley.

On the contrary, if the Texas and Pacific Company or any other road building westerly should arrive sooner at the Rio Grande than the Southern Pacific Company building easterly, such road could build westerly through the Territories till the approaching lines of the two corporations should meet. This proposal was calculated to excite competition similar to that which drove the existing transcontinental line to completion before half the time allowed by Congress for that purpose had expired. In this bill were numerous and well-guarded provisions to secure compliance with the terms and conditions which might be imposed by Congress, including Government regulation of tariffs and proper connections and running arrangements with other roads, prorate with the eastern lines, and other commendable features unusual but necessary in the charters of railroads.

The passage of this bill was advocated by the Southern Pacific Company before the committee, asking of the Government no other aid but the land grant through the Territories.

The Southern Pacific Company interposed no opposition to the guarantee asked by the Texas and Pacific coast of the Rio Grande, but contemplating the contingency of the denial of guarantee of bonds to the Texas and Pacific Company, and the consequent total collapse of its undertaking, strongly insisted that justice required that they should not be held in check awaiting the result of continued applications by the Texas and Pacific Company for the money or credit of the nation with which to perform what the Southern Pacific was ready to do immediately for the land grant alone.

To this bill the Texas and Pacific Company objected. The only argument entitled to weight, in our opinion, was that the Southern Pacific, connecting with the ocean at San Francisco, and having intimate business relations with the Central Pacific Railroad, might enter into combinations with that corporation against the public interest, and that the advantages of competition and of an ocean connection at San Diego would then be lost.

COMPETITION AND COMBINATION.

We believe that any competition between rival parallel lines of railroad for the same business which results in a loss to the companies is sure to end in one of two ways, either in a combination by which the public will lose far more than it has ever gained from competition, or, on the other hand, in the ruinous cutting of rates persisted in until the weaker corporation is ruined, and the public is left to the rapacity of the survivor. There is no real protection to the public but in the enforcement of the law of the land. Competition which takes from corporations just compensation is quite as ruinous as combination which gives them too much.

No one can believe that the Texas and Pacific Company would, after constructing its line to the Pacific Ocean, long compete with any rival to its own loss, or even so as to produce any reduction of rates below the maximum to which the public would submit; or that it would fail to repair its losses or increase its gains

whenever an opportunity might offer. We repeat that nothing but the law, and the enforcement of the law by the Government, can protect the public against the love of gain which is inherent in human nature.

This truth is recognized by the bill of the Texas and Pacific Company reported by the majority of the committee, and stringent provisions are therein made to hold that corporation within the bounds of justice and law; very unusual safeguards being provided for, in consideration of the fact that the Government itself is really required by the bill to furnish the means necessary to build the road and give to the projectors an additional bonus of \$10,000,000. Restrictions and conditions in a charter can be enforced by the machinery of the law against one corporation as well as another.

RELATIONS OF THE SOUTHERN, CENTRAL, AND TEXAS PACIFIC ROADS TO EACH OTHER AND TO THE SOUTHERN STATES.

Assuming that the Southern Pacific is controlled by the Central Pacific, (which is denied,) there is the strongest reason to suppose that this circumstance would operate rather to the benefit than to the injury of the South and Southwest. The whole length of the Central Pacific is about 800 miles. The Southern Pacific, from San Francisco to the Colorado, is more than 700 miles. Add to this the proposed extension of 600 miles, and the total is over 1,300 miles, and we believe it probable that the Southern Pacific will extend its line easterly across Texas unless the desired subsidy should enable the Texas Pacific Company to form the connection at El Paso.

Therefore, if San Francisco would be the point to which all business would converge, the focus of inland and oceanic communication on the Pacific shores, the Southern Pacific branch offers to this imagined central and southern combination the earnings of at least thirteen hundred miles of road against eight hundred on the Central Pacific. Which branch, then, will this supposed combination most naturally employ? Impelled by its own interests, its own investments and connections, what section of the country will it seek to develop? Is it not apparent that, whatever may have been its previous purposes, by virtue of the proposed extension of its line it is at once converted into essentially a southern road? It is no reply to this to say that owning the westerly ends of the middle and southern routes it will blockade both until its exactions are complied with, for the bill we recommend expressly reserves and confers upon Congress far greater powers of control over the Southern Pacific than are contained in the bill reported by the majority, and so long as the people are so disposed they can protect themselves by the same methods which must be resorted to in order to secure performance of their obligations by the Texas and Pacific Company, and with no greater powers of resistance on the part of the one than the other, except that the restrictions in the organic law of the Southern Pacific are the more stringent and explicit. Again, for what business will this supposed competition arise? The southern road should be built to benefit the Southern States. Do these States expect that the Central and Union Pacific can or ever will compete with a southern road for the commerce of the Southern States? The middle and southern line might indeed compete for business in the latitude of New York and Philadelphia; but the Pennsylvania Central Railroad and its six thousand miles of trunk and western connections does not run through the South Atlantic, the Gulf, and Southwestern States any more than does the Union Pacific and its easterly extensions via Chicago to New York.

Is not this monster (speaking after the manner of the majority) the more dangerous rather because while the nearer to them it is yet not of them; and if they enlarge its power are they not the surer to become its victims and to pour forever their tribute into the lap of the Middle Atlantic States? Will not the southern business, if it has a fair chance, go over the southern route no matter who builds it or who runs it? Can that business ever be forced northerly to Omaha? Coming from the Occident, how can transportation climb the Sierras via that city to be distributed in Georgia and Florida and South Carolina when there is communication along the thirty-second parallel? How, then, can there ever be any competition by the Union and Central Pacific for the business of these Southern States?

There might be competition which would inure to the benefit of Philadelphia and New York, but just as soon as the middle and southern portions of the country are reached, the Pennsylvania Central, owning and running this whole southern route, will control all the commerce of the South along the thirty-second parallel, from the Atlantic to the Pacific. Is not the fact apparent that one owner controlling a through line, the easterly half of which runs through the middle and border States, and the westerly half of which, curving southerly, holds the communications of the South Atlantic and Gulf States, of the Lower Mississippi Valley, of Texas, and the far Southwest, is infinitely more dangerous to the country, and to the South especially, which must use southern routes in any event, than two owners, one in California and one in Philadelphia, who are sufficiently hostile to hold each other in check under the superintendence of the law? But the bill of the majority simply locates another Omaha on the Lower Mississippi, and demands that the Texas and Pacific Company shall thus be to the South all they charge that the Union and the Central Pacific combined are to the country.

We talk of the outlets to the Pacific; but we must remember that the main channels of business are controlled by their ownership and location on the Atlantic as well as the Pacific, and the time is not far distant when the surpassing development of our western and southwestern possessions will require and secure, not one but many tracks, which may be laid along lines already surveyed or may debouch through new passes, which the surveyor is sure to find and the engineer to subdue, upon our western shores.

This certainty of the future is provided for by the final section of our bill.

As bearing upon the alleged desire of the Southern and Central Pacific Railroads to monopolize the commercial outlets of the Pacific coast, it should be stated that it was shown before the committee that in 1873, when both those corporations were under substantially the same control as now, the Southern Pacific sold its entire franchise and property to Colonel Thomas A. Scott, of Philadelphia, in the interest of this same Texas and Pacific Company, including the whole route to San Francisco; and his failure to keep the control alone prevented the consolidation of that corporation with the line to San Francisco. After this it seems strange that the Southern Pacific should expend so many millions in building its road through a desert merely to prevent the construction of the Texas and Pacific lines. One would imagine that the expenditure of a title of that money would have purchased the Texas and Pacific franchise, and exploded the whole project of a southern road along the thirty-second parallel for years.

It is also worthy of notice that in the last Congress the Texas and Pacific Company entered into an arrangement with the Southern Pacific by which the former was to build and own easterly and the latter to build and own westerly, meeting at the Rio Grande. Is there, then, either sense or sincerity in this praise of competition and denunciation of combination—all for the public good?

The truth is that a subsidy is of more consequence than the railroad to those who ask for it, while to those who will have to pay for both, the railroad is the principal thing.

THE FORFEITURE OF LAND GRANTS IN THE TERRITORIES.

Upon the question of the power of Congress to declare the rights of the Texas and Pacific Company derived from the United States, west of the Rio Grande, to be forfeited by reason of its default and breach of the conditions upon which they were granted, and reversion in the nation, it is contended by that corporation that without its consent no such action or measures to secure the completion of the road can be taken until the expiration of the full ten years allowed for the construction of the entire road. We cannot discuss the legal question, if there is one, in this report, but it appears to us that a simple perusal of the law above cited in view of the facts stated, which are not denied, must be a sufficient reply to this

position. It cannot be that Congress has given any corporation the right to barricade this great enterprise for ten years at will. Least of all can it be that such wrong is perpetrated in a charter, which, by its own terms, may in any event be altered, amended, and repealed whenever the public good requires.

That charter was given to secure the completion of the road, not to prevent it, and any construction of its language which defeats its purpose is legally false.

PROVISIONS OF THE MINORITY BILL.

Influenced by these considerations, and others which cannot now be stated with desirable brevity, we beg leave to report the accompanying bill, as a substitute for the bill reported by the majority, and recommend its passage.

It is proper to say that the bill is substantially the same as that introduced by Mr. BLAIR, on the 25th day of February, being House bill No. 3526, with an amendment extending the time of the Texas and Pacific Company two years, making six years within which to build its road to El Paso, provided it is not sooner met in the State of Texas by the Southern Pacific, building easterly. See the second section of the bill.

Its provisions may be epitomized as follows:

After reciting the failure of the Texas and Pacific Company to perform the conditions of its organic act, and amendments thereto, and alleging in section 1 that the occasion has arisen in which Congress may and should assert the power expressly reserved, as above stated, to adopt such measures as it might deem necessary and proper to secure the speedy completion of said railroad, in section 2 the bill provides that the Southern Pacific Railroad may extend its line of railroad and telegraph from its present terminus to the easterly bank of the Rio Grande, there to connect with the constructed road of the Texas Pacific or any other road in the State of Texas which shall have arrived at that point, and that upon the passage of the act all the rights formerly conferred upon the Texas and Pacific Company westerly of the Rio Grande, shall be deemed to have lapsed and terminated as to said company and to be re-vested in the United States for the purposes of this act. The bill does not undertake to interfere with the rights, if any, acquired by the Texas and Pacific Company from the State of California.

Section 3 confers the right of way through the Territories in common form, two hundred feet wide on either side, with an aggregate amount of land, not exceeding one section in five, for depots and other necessary uses of the road, and that the United States shall extinguish any Indian titles, as usual in such grants. Probably, however, there are none which would be interfered with.

Section 4 provides that the Southern Pacific Railroad shall commence its road within one year after the passage of the act, and within one year thereafter shall complete one hundred miles, and not less than fifty miles yearly, and shall complete the whole to the Rio Grande, and shall also extend its line to San Diego (within ninety miles of which city it is now in operation, and is being pushed along some twenty-five miles annually) within six years after the passage of this act, being an average of one hundred and fifteen miles per year.

Upon failure to complete each year, as in this section provided, Congress may immediately take any measures it shall deem necessary for the completion of the road; thus enabling Congress, if it should become desirable, to restore to the Texas and Pacific Company all its old privileges long before that company will get to the Rio Grande, or take any other measures necessary to secure its completion forthwith. There would be no room for the unreasonable and obstructive construction which the Texas and Pacific Company sets up under its own charter, to delay the building of the road until the required money can be extorted from the public Treasury.

If no road built westerly through Texas has reached El Paso in six years, then, the State of Texas consenting, the Southern Pacific may build easterly and connect with the Texas Pacific, or some other company; and on the other hand if the Southern Pacific fails to reach the Rio Grande in six years, the Texas and Pacific Company, or any other company, may build through the Territories to connect with the Southern Pacific, and have for the part of its road so constructed the rights herein given to that corporation.

Sections 5, 6, and 8 are too long to state in this report, but we respectfully ask close attention to the cautious and onerous nature of their conditions and safeguards for the protection of the public and of the private citizen. All the provisions of this nature found in the bill of Mr. MOXEY, which was advocated by the Southern Pacific Railroad before the committee, are here preserved; also every provision of this nature for governmental supervision and control of fares and freights, to secure an open highway so far as practicable, and a competing line along the thirty-second parallel, the first use of the road to the Government for postal and military purposes, connections, prorating, prevention of combinations, &c., &c., which are proposed in the bill of the Texas Pacific Company, in consideration of subsidy and land grant, are, in the very language employed in that bill, incorporated into this, with other provisions deemed by us essential to the public good; and this without any grant to the company but the naked right of way above stated.

Section 7 saves all rights, if any, of the Texas Pacific in California derived from that State.

Section 9 gives right of way through military reservations, and requires the company to furnish suitable stations and accommodations for use of the Government.

Section 11 reserves expressly full powers to compel compliance with the provisions of the bill in the most effectual manner possible. These restrictions and reservations are more comprehensive and explicit than are contained in any other railroad charter to our knowledge.

The whole section is as follows:

"SEC. 11. Notwithstanding the rights and franchises herein granted to the Southern Pacific Railroad, Congress reserves the power to authorize the construction of other independent and competing lines of railroad and telegraph along or near the thirty-second parallel of north latitude, or any part thereof, from the westerly boundary of the State of Texas to San Diego, or other port on the Pacific coast in California, whenever the public good shall require, and especially whenever it shall be deemed necessary by Congress in order to secure or preserve to the country the benefit of a transcontinental and competing line between the Mississippi Valley and the Pacific Ocean along the said parallel.

"And Congress hereby expressly reserves the same powers to regulate and control rates of transportation and telegraph charges, connections, and running arrangements, and all powers of every description over the existence, operation, and management of said Southern Pacific Railroad between the points above mentioned as were by law reserved over the Texas Pacific Railway Company by the United States, or which may be necessary for the public good; and Congress, having just regard to vested rights, shall alter, amend, and repeal the charter thereof, and this act, as the public good shall require."

CAN AND WILL THE SOUTHERN PACIFIC COMPANY BUILD THE ROAD IF PERMITTED?

The Southern Pacific Railroad desires the land grant through the Territories, but being notified that we are unwilling to support a less stringent bill, has declared its purpose to proceed to build the road as soon as it shall become a law. We are not willing to recommend the appropriation of either land or money to secure the construction of this road by the Southern Pacific Company, because its credit is unassailable, its bonds now selling at nearly par; and especially do we think it uncalled for, when an actual necessity, amounting to compulsion, exists that it should build the road and form those eastern connections which are essential to its continual life; unless Congress decides to give both land and money to secure what can be just as well had, with as much or more certainty of promoting the public good, without public expense.

Since our views were made public it has been charged that the Southern Pacific

would never build the road under a charter so restrictive and stringent; that it could and would only use this legislation as an obstacle to others at the west, just as the Texas and Pacific Company is used at the east end of the proposed route. But when the history and achievements of this corporation in the construction of seven hundred miles of far more difficult and expensive road in California for the express purpose of securing a southeasterly connection with the Gulf and Atlantic States, its present credit and its corps of trained builders now idling away their time, its accumulations of materials awaiting this legislation and the necessity that it must build or die before any other road is likely to reach it—when all these circumstances are fully considered by the House and by the country, we are confident that the declaration of those whose interest is in the direction of converting the Public Treasury into a railroad subsidy fund, that the Southern Pacific is not acting in good faith and will never build the road, is inspired only by the fear that if afforded the opportunity that corporation certainly will build it at once, and thus forever end these raids upon the Treasury in the interest of private associations under the pretense of promoting the public good.

CONCLUSION.

We submit that it will work great wrong to the Southern Pacific Railroad corporation, to the great South and Southwest, and to the whole country, to reject this bill and to enact the bill recommended by the majority of the committee in the interest of the Texas and Pacific Company; or to reject this bill under any circumstances. This measure does not antagonize, nor did the Southern Pacific Railroad antagonize before us, any railroad project, branch, or connection east of the Rio Grande. It simply asks to build six hundred miles of railroad, half way from the Colorado to Fort Worth, the present westerly terminus of the Texas and Pacific Company, and ninety additional miles in California, to complete the San Diego connection, without any public aid and subject to all reasonable restrictions in the public interest. True, it desires the land grant, but we do not recommend it, because we believe that this corporation will build the road without.

Should the representatives of that portion of the country chiefly to be benefited, not by the subsidy but by the road, defeat this measure, it is difficult for us to see how they can reasonably expect the rest of the country to consent to burden the tax-payer and embarrass our policy with a most dangerous precedent, which would exhaust the Treasury with hundreds of subsidies throughout the unlimited future of the nation.

It would seem impossible for any man to justify himself to his constituency and to his country at large in a course which depletes the Treasury when all that is desired is attainable without expense to the people.

Profoundly desirous as we are for the speedy completion of this great enterprise, and believing that we recommend the only practicable or justifiable legislation upon the subject, we respectfully recommend the passage of this bill.

J. K. LUTTRELL,
G. M. LANDERS,
HENRY W. BLAIR.

We concur substantially in the conclusions of this report.

W. W. RICE,
ABRAM S. HEWITT.

I wish to add little more to these citations from the report. I am not one of those, if such there are, who oppose this subsidy on sectional grounds. The whole length of this route is through a comparatively unsettled country, and the future of the whole will be fashioned by northern influences. Texas alone is one hundred thousand square miles larger than France, and at the same ratio per mile has capacity to support fifty millions of people. She went into the rebellion with only five hundred thousand inhabitants, and of these a large proportion were opposed to secession, including the distinguished and patriotic chairman of our committee. She has now two million souls. The tide of immigration rolls from Europe and the North, but not so largely from the easterly States of the late confederacy. Texas will be dominated by the ideas of the North, and not by those of the South. Texas is a Northern State. I would vote this pecuniary subsidy as a northern man and a republican sooner than the like to be expended in any other part of the country. I do not doubt the power of the Government to appropriate the money if the necessity existed for the construction of the road, and private capital were not forthcoming. I believe in a broad and national interpretation of every constitutional power; in the right of the nation, if need be, to regulate every avenue of interstate commerce, whether of land or water, and to create all new avenues required by the public good by appropriation of the public money when individual enterprise is unable to cope with existing difficulties, and in every case when the public good in a large sense requires it.

Whatever power controls the transportation of a nation governs the nation. To part with that control is to surrender the sovereignty of the nation. Commerce and locomotion are dependent upon it. It is an essential part of personal liberty, and it is inalienable by the people or by their Government. Congress cannot by express provisions in a charter surrender to a railroad or any other common carrier, or to any other agency, its inherent and inalienable constitutional power to regulate and control and, if necessary, to destroy corporate existence when the public good requires it. No corporation created for the public good as well as private gain has or can have a vested right which is not subject to this condition. It has a right to exist only so long as its existence is consistent with the public good, of which public it is a part, and entitled to consideration only as a part and not as a whole. It has no right to exercise its corporate functions except in that reasonable way which inures to the advantage of the whole. It cannot prey upon the public and maintain or enrich itself by sacrificing the rights and interests of the people at large.

On the other hand, it is itself entitled to be considered as a part of the public and to demand a fair remuneration for the services it renders and to the equal protection of the laws.

When the law of competition so regulates the conditions of travel and traffic as to secure the public good—that is, fair rates to the people and fair remuneration to the corporation—and so long as the principle of private ownership of the commercial land highways of the country prevails, Congress should avoid special legislation. When the law of competition works only abuses, it is not only the right but the duty of Congress to interfere alike for the benefit of

the people and of the corporations. It is equally the duty of Congress, by wise measures, and only by wise measures, to destroy all extortionate pooling or combination. These great interests should only be essayed after careful and profound study of the problem and in the spirit of comprehensive and liberal statesmanship.

No, sir; I have no doubts of the power of Congress, in its discretion, to make this appropriation, nor would I from any motive withhold from the great South or Southwest any boon which I would ask for other portions of our vast domain. The man who has not survived the hates of the war should have perished in it. We are, thank God! one people, and only one people. I pity the man who cannot see through and beyond this solid South and the wrongs by which she became and seeks to remain so, and the North, rapidly solidifying in self-defense and for the rights of humanity, a solid nation, as indivisible and perpetual as the mountain-chains which bind them together, or the rolling girdle with which the Father of Waters forever clasps the teeming bosom of his bride.

The sun of our Austerlitz rose on the clouds of war, but has set in the glories of victory; and when this night of turbulent transition shall have passed away, as it will pass away, so sure as the revolutions of the universe proceed, the sun of peace and union will stand still in our heavens, not while some brief mortal wills it, but a full-orbed star, blazing in the zenith so long as the planet itself is inhabited by mankind.

And, sir, I would vote for any wise and necessary measure which will enlarge our commerce abroad as well as at home; any measure which will open to us new markets for the productions of every industry, whether northern or western or southern, or which will increase the demand for them, wherever one now exists, provided that individual or corporate enterprise is unable to accomplish the desired result.

But, sir, I am opposed to this subsidy of the national credit, to this vast scheme of possible plunder and the certain risk of it, because private agencies are amply adequate to secure the end; private capital is anxious to enlist the moment that this application fails; a great corporation is compelled by its necessities to build at least six hundred miles of it, while other lines are now being constructed without subsidy to unite with it on the Rio Grande. The railroad along the thirty-second parallel is a fixed fact. It will be sooner completed without than with this subsidy, although by different agencies, but which will make it more emphatically a southern road. And within three years, if this clamor for subsidy is now silenced by an emphatic denial, the thunder of transcontinental traffic will have commenced to reverberate forever along the thirty-second parallel from the Atlantic to the Pacific seas.

Free Ships.

"Prohibition" is destroying American shipping. Strike it down and spare not.

"Mercy but murders, pardoning those that kill."—Sh.

SPEECH OF HON. C. H. HARRISON,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, January 18, 1879,

On the bill repealing certain statutes forbidding the purchase of foreign-built ships by American citizens, &c.

Mr. HARRISON. Mr. Speaker, it has not been my habit since I became a member of this House to read speeches, or to speak to any question other than the one immediately under discussion. But I shall avail myself of your kindness now, for the purpose of discussing the bill I had the honor of introducing, repealing so much and so many of the statutes as forbid the purchase, by an American citizen, of a foreign-built ship, or of a ship built in America but afterward sailed under a foreign register, and of giving such ship an American register and sailing it under the protection of his country's flag.

This bill is now being considered by the Committee on Commerce. A few days since, by invitation of that committee, I made some off-hand remarks before it in reply to the adverse arguments of my friends from Maine [Mr. HALE] and from Pennsylvania, [Mr. WARD.] Some members of the committee have suggested that I should write out what I said and print in the RECORD. In accordance with that suggestion, and with the kind permission of the House, I now do so, having written out what I said before the committee as near as my memory would permit, with, however, some additional figures, and possibly with some new illustrations.

Sir, Æsop tells us that in olden times a traveler dropped into the hut of a satyr. The day being chilly, he blew upon his benumbed fingers to give them warmth. This novel procedure so delighted the satyr that he regaled his guest with a dish of hot tea. Into this he blew to cool it. Whereupon the disgusted host incontinently turned him out of doors. He would have nothing to do with one who would blow hot and cold with the same breath.

The speech of the gentleman from Maine recalls to my memory this almost forgotten fable. For he tells you how our protecting, or rather prohibiting, navigation laws have blown hot and cold upon the shipping interests of America, as it needed the one or the other; how, but for the fostering, warming breath of protection in former days of high-priced labor and high-priced material, that great interest would never have become what it was before the war. He drew a glowing picture of our great merchant marine, which carried our flag upon all oceans and upon every sea; and said that labor being dear, the ship-builders in America would have been wholly unable to compete with the cheap labor of the Old World.

He then told you how American shipping had been driven from the seas by the Alabama and other confederate cruisers, but that now it was slowly regaining its lost grandeur; that to-day labor was so cheap and material so cheap, that our ship-builders are able to build better and cheaper ships on the Delaware and on the coast of Maine, than can be built on the Clyde; and then declaims against any movement looking toward the repeal of our prohibitory statutes, and declares that such act would be positive cruelty to the ship-builder; that now, labor and material being cheap, these people can replace the mighty fleet of American carriers upon the ocean. Sir, when labor was dear and its scarcity was benumbing the builders' fingers, then protection's breath warmed them and enabled them to compete with foreign fingers; but now when labor is cheap and material low, and is pouring into his ship-yard a hot flood of labor, protection must be maintained to keep them cool and serene so as to take advantage of these impoverished times. When, sir, when was protection ever satisfied? It is an insatiable maw which is ever hungry, and cries, "Give! Give!"

But, sir, the people feel much as did Stanley, when on his march across the "dark continent," a black cloud of cannibals, with front teeth filed for man-eating, hovered about his march, yelling "meat! meat!" That cry was dimly suggestive of human roasts and white-man spare-ribs roasted on a stick; the grinning front teeth carvenously pointed, the human skulls ornamenting the sides of village roads, and garbage-piles heaped with human tibiae and clavicles and pelvic bones, set the intrepid explorer to meditating upon the peculiar sensations one must feel as he grinds his way through a woolly-head's gizzard.

The great mass of the people feel they have been in this whale's belly long enough, and they demand that we make such a row down among his blubber that he spew them out, so that they may have an equal chance in the race of life. They demand that we strike down this protection which blows hot or cold at the will of the few protected.

Gentlemen, my friend's picture of the American flag floating over all seas and over every ocean, wherever the tides ebb and flow twice in twenty-four hours, was not overdrawn. I can remember when at the Liverpool and London docks more American flags were to be seen than that of any other country except England, and at Hamburg and Bremen it was next to England and Germany. On the North Sea, on the Baltic, on the Mediterranean, and as far east as the Bosphorus, the American's pride was nursed by seeing the Stars and Stripes waving nearly as often as that of any other country except the one to which the particular port belonged.

The gentleman is, however, greatly mistaken when he argues that this great success of our carriers was owing to the navigation laws, which prohibit any foreign-built ships being owned by an American and sailed under his flag. It was not the result of those laws, but in spite of them. We were the second carrying nation of the world, because of our vast forests groaning under ship-building timber, and because of the skill and ingenuity of our ship-building mechanics. We built ships which could sail into the wind's eye, and sailed almost with the speed of the wind. England and Holland built ships which could sail with the wind, or at best when well off the wind, and then with little more than the speed of the tide. Our Yankee builders, knowing no old and musty rules for laying out a keel, but taking for their models the light fishing craft with which they skimmed our innumerable creeks and inlets, erected mighty argosies which lightly floated upon the ocean's bosom; while England and Holland, doing as their fathers had done, built on models as old as the Danish seakings, and erected broad-bowed hulks and unwieldy luggers which sank far into the buoyant deep, and plowed through its tenacious brine.

Our clippers went to England for freightage for China, and returned to England with cargoes of teas and silks. Our "Flying Clouds" and "Flying Dutchmen" carried from London lightning freight to Australia and to the Indies. Our flag floated over all seas and in every clime, because our ships were the fleetest, our sailing-masters the most expert, and our wooden ships were the cheapest built. Our merchant marine grew and thrived, not because we had a Chinese wall about our docks, but in spite of this wall; for no foreign ship could afford to enter it even if a door had been opened wide through it.

Our labor was dear, but our timber was cheap, unculled, and easily worked; our forests grew up against the saw-mill and close down to the ways of the ship-yard; and, above all, young America had learned early, that sharp bows and speed caught more freight than bulkiness with slowness, and that a flat sheet could sail close to the wind. It was not until 1851 that the Englishmen learned, what we had known years before, that it was not necessary to bag a sail to catch the wind. These conditions made our bad laws practically a dead letter, and in spite of them, covered the seas with our ships, and introduced our peaceful flag to all nations.

Sir, from 1851 to 1853 it was my fortune to spend two years wandering about Europe and about the lands bordering upon the Mediterranean. My recollection is, that I never visited a port of any importance that I did not see my country's flag floating from the mast of one or more of our enterprising ships. Wherever an American went in those days, he felt that patriotic glow which the sight of one's own flag brings to the heart. That feeling was more and more gratified for several years after that time.

Sir, how changed is all this now! Three times I have been across the ocean in the past five years. In those several trips I saw not a single American flag waving from a ship's mast in Liverpool, London, Hull, Rotterdam, Amsterdam, or Hamburg. Nowhere on the North Sea and but once on the Baltic did I see my country's colors. Only once in all Germany, and that was on the flag-staff over a bath-house on the Elbe at Dresden.

And yet, gentlemen, the war has been over now fourteen years. No hostile cruiser has threatened our commerce during all that time. Why have not these benign laws caused our ships to swarm upon the seas? The gentlemen from Maine and Pennsylvania tell you ships can be built on the Delaware and in Maine better and cheaper than abroad. Why have they not been built? Why are they not being built? "Oh, but," says one of my friends, "the shipping interest is crawling up." Ay, crawling, indeed. I will show you presently how it is crawling, and even that crawling can only be done through the yards of Messrs. Roach and Cramp & Co.

Sir, our commerce does not crawl up. It is not crawling. It is marching with giant strides, and has been making giant steps for years past. It too would crawl, if we had to depend on our protected ship-builder. It too would crawl, if it were not for the foreign carrier. Sir, strike down these Chinese walls which hedge in these gentlemen with a divinity like that which doth hedge a king; strike from our statute-books these prohibitory laws, and then our carrying interests will keep pace with our growing commerce.

Sir, I am not here to-day prepared with the figures and statistics necessary to set forth this matter fully. I will not pretend in off-hand remarks like these to furnish you exact statistics. They will be furnished you soon in printed reports and tables, so that you may study them more at your leisure. I shall only run over the more salient points, and will outline the argument so as to explain what I think are the principles involved in the question. I have, however, in my memory some figures, not quite exact, but sufficiently so for the argument and to illustrate its principles.

Before the war, I think the year before, two-thirds of all the carrying of American commerce was done upon American bottoms, and one-third upon foreign, mostly English ships. To-day nearly three-fourths of all of our commerce is carried upon foreign bottoms and a shade over one-fourth in American ships. Understand me; I refer to our foreign commerce, and not to our domestic commerce.

This is the result of the prohibitory navigation laws which disgrace our statute-books. Our ships went over to foreign registers during the dark days of our civil war. After the war was over, Congress had earnest prayers addressed to it to modify these laws so as to permit our people to buy back the ships which the exigencies of war had forced the owners to sell; for not only do these laws prohibit a foreign-built vessel from receiving an American register, and sailing under the American flag, but a ship built here, built in Maine, or at Chester even by Mr. Roach, if once receiving a foreign register, can never again receive the ownership of an American citizen and the protection of his flag. He may buy back, but he must appeal to a foreign flag to protect him. He may buy such ship, but it must be a bastard upon the seas, and cannot receive the protection of that flag he has been reared to love. If he own a ship and sail under an English register, then in the event of hostilities between this country and England, if he happened to be in an English port, he would be in a bad fix; if in an American port, his position would be doubtful.

For several years countless millions have been idle in our great moneyed centers; idle for the want of enterprises in which to embark them. Much of that money was anxious to go into ships, but was unable to do so except upon such terms as our own ship-builders (and they are few) should demand, and then he would be forced to await the slow motions of such builder.

A ship-master is a true adventurer, the veritable knight-errant of the sea. As the bold knight of yore buckled on his armor and caparisoned his charger to go into other lands in quest of adventure, so he squares his yards and trims his sails for distant ports in quest of freight and cargo. He learns in some way that a large catch of hides or a full crop of coffee is expected at Rio. So he stows his hold with shoes from Massachusetts and manufactures from New Jersey and sails for South America, to be ready for the incoming crop. If he has made a miscalculation he ballasts for a far-off port in hopes of better luck.

A merchant in Boston or New York learns he may make a strike in some distant land by exchanging a cargo of something with which his own market is overstocked, for some crop of which he is advised there is an overstock in that far-off land. He would like to purchase a ship and sail it under his flag. But there are no American ships for sale. He has not the time to wait to have one built. But these glorious laws of ours tell him he shall not buy a foreign ship, though there may be a dozen in New York or Boston to be bought at a bargain, so he is forced to sacrifice his goods to the for-

eign ship-master, or to send his goods upon the seas under the protection of a foreign flag. And why? Because in the early days of the Republic, when our hearts were filled with jealousy of England, we made laws which, luckily for us, owing to our forests and our ingenuity, did us no harm while wooden vessels ruled the seas, but are now destroying us in these days of iron ships and mighty steamers.

But let us look at some other results of this condition of things. The year before our civil war broke out, our total exports and imports amounted to \$762,288,550. Of this commerce, about \$250,000,000 was carried on foreign bottoms, and say \$512,000,000 on American bottoms. That year (i. e., 1860) the tonnage entering American ports was 4,726,022 tons; of this 3,045,885 was our own, and 1,680,137 was foreign. Our ships were manned and sailed by American seamen. Trained, hardy, and brave, these seamen were a bulwark to our liberties. It was the American's boast, and perhaps not an exaggerated one, that in the event of a war with Great Britain our privateers would sweep the seas of English ships as with a broom.

The civil war broke out. We had no hostile ships to cope with. Our merchant marine became unprofitable carriers, not more perhaps because of the confederate cruisers, than because the depreciation of our money enabled ship-owners to sell for gold and exchanging it into greenbacks to invest it in domestic enterprises, all of which had become stimulated to a fever heat, and gave promise of larger returns than ocean carrying could possibly insure.

The gentleman from Maine said that our shipping interests had been steadily growing up to the time of the war. This is a mistake. This great interest had been on the wane for several years. Its growth had culminated in 1856; for in that year our tonnage was 3,194,275 tons, or 48,350 tons more than in 1860.

There were several causes for this decadence: First, iron ships had begun to take precedence of wooden ones. We could build cheaper and better wooden ships than England could, but in building iron ships she had greatly the advantage. Second, the transference of all of the lighter and more costly articles of commerce, particularly those which were subject to the fickle changes of fashion and style, from sailing-ships to steamers. This class of goods the steamer, aided by its passenger rates, was enabled to take away from the sailing-vessel. Added to this was the then rapidly growing idea that quick exchanges were surest sources of profit. Thirdly, and perhaps not the least, was the low rate of interest on money which ruled in England, and the high rate which was the rule in America.

Want of confidence in foreign investments was greatly intensified in England by the financial troubles of 1857. This sent money at low rates into ships, and particularly into iron-ship building. Whereas, on the other hand, in America interest was very high during the flush times preceding the panic of 1857, and became higher after it; for bank failures throughout the Northwest and South, and the speculation in the growing West, scarcely checked by the hard times, caused a great demand for money and carried capital from the seaboard to the interior. These several causes brought about a rapidly increasing disposition to invest in ships in England, and a decreasing disposition to make like investments in America.

Our tonnage was, in 1850, 1,569,828 tons. Its increase was vastly rapid in the next five years, reaching in 1855 2,747,014 tons, and in 1856 3,194,275 tons. It fell off 48,350 tons by 1860. In 1865 it struck bottom, having fallen to 1,339,405 tons. In the next five years, the war being over, it increased to 2,152,027 in 1870. The foreign tonnage entering our ports had, however, grown from 1,680,137 tons in 1860 to 2,198,365 tons in 1865, and 3,805,097 in 1870.

Thus it will be seen that while our own tonnage fell off from 1860 to 1865 1,854,870 tons, the foreign tonnage engaged in moving our commerce had increased but 518,228 tons. In other words, during the war the foreigner gained by 200,000 tons, less than one-third of that which we had lost. But from 1865, when the war was over, up to 1870 the foreigner's gain upon us was enormous. In 1870 his tonnage engaged in our commerce was 3,805,097 tons to our 2,152,027. That ought to be startling enough and ought to give us pause. That should be sufficient to show us that there was some rotteness in this our Denmark. But now mark the crawling up since 1870.

The gentleman from Pennsylvania says our shipping interest is crawling up. I thank the gentleman for the word. The whole tonnage, foreign and American, moving our commerce in 1870 was 5,957,124 tons. In the next eight years it reached the enormous amount of 11,530,527 tons. That was the tonnage of all ships entering our ports in 1878. There was no crawling there. There was a vast bound, a vast leap, *pari passu* with our enormously increased commerce; largely over five and a half millions of tons increase in the last eight years; six million eight hundred thousand tons increase since 1860, and a shade under eight millions of tons increase since 1865, when the war closed.

Sir, how ought the American heart to leap exultant at this wonderful evidence of his country's prosperity! How ought he to swell with pride when he reflects upon this vast increase of prosperity! How ought he to erect his head with exaltation, when he sees that in thirteen years the vast peaceful fleet which entered his country's ports has increased from three and a half million tons to eleven and a half millions. Surely he ought to mount a high hill and shout out "*civis sum Americauus*." But, gentlemen, before you permit this flattering unction to sink too deeply into your delighted souls, scrutinize the figures. Of that eleven and a half millions, eight and a half mil-

ions sailed under flags not your own. Oh, beneficent Chinese walls! glorious protection! 8,521,000 tons of foreign shipping sailing into our ports, and only 3,009,437 tons of shipping with the Stars and Stripes floating from the mast-head.

Is it to be wondered at that we have had hard times? Ought men to marvel that though the fields have been yellow with corn, the meadows sweet with hay, and the pastures are filled with the lowing of fat kine, yet the great masses—the people—have been growing poor and lean? And yet we are told we must protect. Great God, sir, is it not time we were turning over a new leaf? Is it not time we were trying some other system of protection; some sort of protection which will protect the many, and not the few—the hungry and the needy, and not the rich and prosperous?

Now, sir, the war has been over fourteen years. Interest on money has been low for five years, and is year by year growing less. Millions are lying idle in bank vaults. Nothing is so restless as idle money. It is ever on the lookout for avenues for action. Our manufacturers of every kind, save one, have entered into competition with those of other countries. I said all save one. But the gentlemen who preceded me say even that one is not an exception. They say American ship-building is competing successfully with that of the foreigner. At Wilmington they are building ships for Brazil and for other lands. Why, then, does not our shipping increase? It surely ought to do so if we can and are building for other people.

They tell you that we can and are competing with the world. Yet Mr. Roach was here last year praying us for a subsidy to enable him to put his ships into the Brazilian trade. A bill for such purpose lies now ready to be sprung upon the House as an amendment to some other necessary bill. Last year a scientific expedition was started, and we were asked to give its projectors the privilege of floating our flag over the enterprise. No American ship could be had suitable for the purpose. And yet these successfully competing American ship-builders were here, in force in the lobby, to prevent us giving an American register to the ship which could be had to enable the expedition to move.

You are told that better ships can be built here than in England, and even cheaper.

Sir, a few days since the Associated Press dispatches announced that the Committee on Commerce would to-day discuss the bill I had the honor of introducing, and yet, sir, the committee-room is filled with men from Maine and from Chester and Wilmington, all protesting against the repeal of our prohibitory laws. They can beat the world building ships, they tell you, and yet they are unwilling that the forty-five million Americans who are not ship-builders should have the privilege of buying where their money will most avail.

Mr. HALE says he has heard no complaint of these laws; he has seen no petitions praying for the repeal of these laws. Sir, there is an old adage that "what is everybody's business is nobody's business." The whole people are interested in this thing, but there is no private ax to be ground, and so they leave it to those who should have the common interest at heart. But here around you are men who have private axes, and they pray you to keep the hard faces of the masses upturned so that their private implements may keep a razor edge.

Besides, sir, I doubt if there is an American law so little understood by the people, as these prohibitory navigation laws. There were perhaps dozens of members of this Congress, who when they came here were not aware that an American could not, if he wished, purchase a fishing-smack or a pleasure-yacht, and sail in it under the protection of his nation's flag.

These laws were written in the earliest days of our national existence. Owing to our peculiar circumstances, during the long reign of wooden vessels, they worked no hardship to our people. But, *tempora mutantur*; laws which are harmless in one age become oppressive in another. Laws which are good in one condition of the people, become engines of tyranny in another and new condition. The age of iron is upon us—iron upon the seas as well as upon the land. And the people now need the right to grasp and control the iron, as up to 1860, they controlled the wooden mastery of the ocean.

These ship-builders can compete, they tell you, and are to-day competing with foreign builders. Then, why this nervousness whenever the Committee on Commerce sits upon a bill which proposes a modification of the old and musty navigation laws? Why are they here to-day in such force, from Maine, from Pennsylvania, from Delaware, and even from far-off California? Ay, gentlemen, there is a woolly head hidden in the fence corner.

If they can compete successfully with those abroad, why does our merchant-marine shipping interest not grow more healthily? In 1860 our commerce was, say, about seven hundred millions, and two-thirds of it was borne upon our own bottoms. In 1877 and 1878 it had grown to nearly twelve hundred millions. In the ratio of that increase we should to-day be the carriers of about \$800,000,000 of that commerce. But under the protecting agis of our prohibitory navigation laws, American bottoms are carrying but little more than three hundred millions, while foreign bottoms carry largely over eight hundred millions. In 1860 we carried two-thirds of our own commerce; in 1877 and 1878 we carry only about one-fourth.

Now, gentlemen, take out your pencils and do a little ciphering. The cost of carriage, that is, the profits of the carrier, ranges from 12 to 20 per cent. upon the whole value of the thing carried. In 1878 the whole value of our foreign commerce was, say, in round numbers,

\$1,200,000,000. Twelve per cent. of that is \$144,000,000; i. e., profits to the carrier—gross profits. That is, it went into the pockets of the carrier—was expended in moving this commerce. One-fourth of this went to the American ship-master, say \$36,000,000, and three-fourths into the pockets of the foreigner, say \$108,000,000. But there are some who fix that cost as high as 20 per cent. That gives to cost or expenses of carriage \$240,000,000. That would leave to the American \$60,000,000 and to the foreigner \$180,000,000.

This is a wide margin, I know. But there is of course no means of fixing this cost or expense account at any definite rate. It varies according to the views or experiences of different people. But it is a vast sum. It may some years be only 10 per cent.; but it lies somewhere between 10 and 20 per cent. It does not mean profit upon the capital invested, but gross profit. It represents the money spent where the ship is owned, fitted out, and repaired; it means wages to masters, seamen, and others engaged in doing the transportation. The bulk of it goes to the people who represent the nation which owns the ship.

Now, had we held our own as we had it in 1860, two-thirds of all that vast sum would have gone to Americans, and one-third to foreigners. Now one-fourth comes to Americans, and three-fourths go to foreigners. And we would to a great extent have recovered our proportion had the laws permitted our masters to buy back the vessels which war forced them to transfer to foreign registers. These are the fruits of what the gentleman from Maine is pleased to term the beneficent navigation laws of the United States. I suspect this argument will be met by the assertion that a vast amount of shipping did come back to American ownership, and is so owned now, but is sailed under foreign registers. Sir, when the Geneva award bill was under discussion all Maine was eloquent in praise of our patriotic ship-masters who refused to transfer their vessels to a neutral register. When this bill shall be discussed, Maine will dilate upon the ease with which the master can sail his property under a stranger's flag. The question of patriotic desire to sail under one's own flag will then drop out of sight. The ox can have his color changed rapidly when the question comes up as to the ownership of the ox.

But, say these gentlemen, "Give us time to recuperate. With cheap materials and cheap labor we will crawl up." My friend from Pennsylvania says we are crawling up. Sir, Young America knows no crawling. She stopped that when she, one hundred years ago, cut loose from her mother's apron-strings.

But I have shown you how we have been crawling up. The movement has been rather crab-like. It may suit the latitude of Chester and Wilmington, but we out West are too far from the seaboard to fancy the crab back-action.

If I be not misinformed, we have fallen off in our tonnage in the last two years nearly twenty thousand tons. Suppose these gentlemen allow us some new system of hygiene, different from the Chinese-wall system; perhaps we may then be enabled to get our muscles into a forward movement.

Mr. WARD says the ship-building interest gives employment to many thousand laborers. That, Mr. Speaker, is a valid argument to my mind. But, sir, I will offset it by telling him that the ship-carrying interest helps a million, when the other helps a thousand. He likens these laborers to an army of many thousands. But that army is to the army which stands behind my back, as was the handful who occupied Thermopylae's rocky defile to the vast host which, under the Persian king, hovered over Greece like a darkening cloud.

If the prayer of the old ship-master had been granted at the close of the war, we would have been the owner of a great part of the tonnage entering our ports. Not far from a hundred millions per annum would then have gone to our people instead of going abroad. What an army of people that would feed! That vast sum spent at home would give employment to a vast number of people. It would grow and fructify and stay here among our own people.

Gentlemen, I said the high rate of interest sent our carrying trade abroad. Now the interest table is getting level. Interest is low in America, and, with a continuing balance of trade in our favor, it will remain so or get even lower still. Thirteen million dollars were invested last week in two days in four percents. In New York money has been a drug at 2 per cent. for one or more years. It cannot find profitable employment. England has idle ships—not old hulks, as Mr. HALE calls them—but strong, iron steamers. Our capitalists would like to buy them and sail them under our flag. They would like to employ American seamen, so as to enable them to feed wife and child.

Go aboard one of the foreign ships at a dock in New York. Every sailor, every engineer, cook, cabin-boy, and stewardess is a foreigner. No American need apply. Our grain and pork and cotton fill the hulks of the ship. Not a dollar is spent here to run the ship, to repair or to refit it; all is spent in the port where the vessel is owned.

Our land is teeming with produce, 1,400,000,000 bushels of corn per annum; 375,000,000 bushels of wheat. Chicago alone received last year nearly six and a half million hogs, and one and a quarter million head of cattle. We are feeding Europe. But our shippers cannot ship on an American ship and under the American flag, because our laws, made in the new and dark days of our infant Republic, will not let him have a ship unless he goes to Mr. Roach, or some of his set, to pay him whatever price he asks, and then waits his good pleasure as to when the ship may be built.

Protection of a few to impoverish the many, is bad enough in any shape; but of all the mad, insane forms of protection, that which absolutely says the many shall do without the thing they want, unless they buy from a certain man or set of men, is the maddest. Our manufacturers are protected, but I can buy a foreign article provided I be willing to pay the importer's price with the duty added. A free American can buy whatever he wishes, and from whom he wishes, if he will pay the cost and what the Government demands as a custom duty. Every thing but one. A ship is the sacred thing; he cannot buy it at all, unless he buy from some man in this country, who happens to be a maker of ships. Not one man in a thousand in this land dreams there is such a statute extant among our laws. It is supposed ships, like other manufactures, are protected by a duty. Few know that the foreign ship is a *noli me tangere* to the American.

The world abhors the Chinese exclusiveness, which built a wall about her domain to shut out the light of other civilizations. We sent Perry to Japan to knock at her door with a cannon-ball until she opened it wide; and yet we, free America, have erected an impassable wall about our docks, through which no ships can enter under an American flag unless it be built by one of God's anointed—an American ship-builder. When our troubles were upon us, England opened her doors wide and bought our ships, and she reaped a vast harvest; but now when she has cheap ships and we have none, but have millions of idle money to buy with, we cannot do it because of these black laws, written in the country's infancy, and never repealed because there was no need for such repeal; and now we are told not to do so lest we hurt a few townships in Maine. Forty-five millions of people must suffer for the interests of a few thousands.

These laws have darkened our statute-books long enough. They are preventing America from getting back one of her grandest rights, the right to be the marine mistress of the sea. They are preventing the American abroad from one of his dearest rights, that of going into the ports of any other land and, by stepping upon a ship, feeling he is on his own heath and is being protected by his own flag. They are keeping from the ocean thousands who would be trained as our defenders in some future war. These laws are murdering the American sailor. I ask you to strike them down, and spare not.

Mercy but murders, pardoning those that kill.

Chinese Immigration.

SPEECH OF HON. C. H. HARRISON,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 28, 1879,

On the bill (H. R. No. 2423) to restrict the immigration of Chinese to the United States.

Mr. HARRISON. Mr. Speaker, the question now under consideration is one of those which are apt to be treated from a sentimental stand-point. We hear gentlemen rail against the proposition that we erect a Chinese wall about our shores. We are told that we have opened a wide door to the oppressed and down-trodden of all lands, and have invited all such to come here, where they can freely pursue the race of life in accordance with the dictates of their own consciences; and we are asked if we intend now on the threshold of the second century of our national existence to alter our traditions and turn back the dial from its onward movement given to it by our forefathers.

Sir, all this appeals to the American heart, and is apt to cause us to lose sight of the great practical issues surrounding the question. No one has more of this sentimentalism than I. Show me a man on whom presses the hand of despotism, and who knocks at our doors with an appeal for asylum, and his cry will not find me deaf; show me the man who, down-trodden in the home of his fathers, casts an eye upon our glorious flag, and asks that it, too, may wave over him, and no ear will be quicker to catch that demand than mine. But, sir, the Mongolian comes not to our shores with any such cry. He seeks no asylum under our flag; the hand of despotism at home has never been a weight upon his soul. He has never in his darkest moments felt a single yearning for political freedom; liberty has for him no charm; it never enters into his dreams. His pliant neck was made by the great Creator in the first place, or by five thousand years of habit, to wear a master's collar. This land of liberty is to him no asylum from oppression. He comes to it with greed in his heart—greed for gold; and his only aim is to attain means to go back to his master's dominions to enjoy the wealth acquired here. His only dream is at last to live in comfort in the Celestial empire. His greatest dread is the dread that he may not lie beneath its soil. His first act is to earn enough for his scanty subsistence; his second, to put by, day by day, enough to take back, in case of death, his body beyond the Pacific. He has no love for our institutions; no love for our liberty; no love for our soil. The first he never studies; the second he cannot comprehend, and the last would be to his dead corpse but contamination.

I speak thus from no prejudice, and not from any knowledge gathered from hearsay. I have had intercourse with these people. For years in my own city I have had Chinese tenants. I have seen them in their every-day life, and I have talked with them and tried to know them. It is true these tenants have been of the lower grades; but they were fair samples of the great mass who land upon our soil. I have seen a dozen sleeping in bunks, huddled together as in the cabin of a canal-boat. I have seen them cooking, washing, eating, and sleeping in a basement wet with soap-suds and thick with the fumes of opium, and found they had no conception of that cleanliness which is next to godliness. I have been their adviser and to some extent their protector. I have had their more intelligent for long hours in my room. I have tried to get at the bottom of their nature, for my sympathies were in their favor and against the hue and cry which had arisen against them in California. I have seen them, too, on the Pacific slope, and have found that in looking into the Chinese problem I could and should discard all sentiment from my heart; and that in discussing it Americans should look at it only from a practical standpoint.

I am now called upon to vote, and only desire to give the reasons why I shall vote ay on this bill. I shall attempt no lengthy argument. I shall not attempt to convince others. It is too late now to do that. But I wish others to know why I vote as I shall. That why is all contained in one nutshell.

Mr. Speaker, we are now a great people, scattered over a vast territory. In that territory we are self-governing, and each part governed by those immediately concerned. The voice of the meanest has at the ballot-box the same weight as that of the wisest and best. It should be the study of the statesman that in each separate, self-governing locality the masses should be as elevated as possible. For on the aggregation of intelligence in each of these self-governed parts will depend their immediate prosperity. The influx into any single State of a large mass of men lacking intelligence—and I refer not to the intelligence as exhibited in dexterity in hands or quickness in calculation, but to that intelligence which makes a man a self-ruler and the ruler of others—the influx of lack of intelligence of this higher order to any extraordinary extent into any State must and will destroy the good government of that State. The States on the Pacific are being overrun by hordes of men from the Asiatic continent such as I have described. They do not vote, it is true. But that is only because they do not as yet seek to vote. There is nothing in our laws to prevent them from voting if they demand the right under the Constitution. We know not when that demand may be made, and when it shall be made we will be brought face to face with a danger which now is hardly foreseen, but which may readily be understood if considered. This argument is of itself sufficient for me to vote for a bill which will look toward checking the further increase of these people in the localities they are so overrunning.

Besides, sir, the whole people of the United States are immediately interested in the good government of each and every one of its integral parts. The voice of each reaches through these halls the interests of all the other parts; therefore, of all things which a legislator here should most earnestly consider in shaping the destinies of this great nation is to have not only an intelligent people throughout its mighty breadth, but also a homogeneous people.

Look back, sir, over the pages of history and see how nation after nation has been prosperous while it was homogeneous, and how nation after nation has fallen when that homogeneity has been destroyed; that, too, even when the people have had but little to say about the laws which governed them. Rome ruled the world while Rome was really seated upon her seven hills, but Rome fell when a man might be a Roman and yet be born and live on the banks of Nilus or on the shores of the British seas; a Roman still in each locality, but Roman only in name. France is a mighty nation, because the same heart beats in a Frenchman's bosom whether he lives at Marseilles, Paris, or Bordeaux. The British Empire is a mighty one, but the men who rule its destinies are all Englishmen. Whenever the day comes when the East Indian, the Australian, and the Canadian shall have the right to cast a vote in making British laws, then Britain will follow the example of nations which have lived and died.

We may make laws to govern the outward conduct of man; but the laws to govern his heart and nature are inexorable and beyond our power to repeal or to amend. Let us, then, as law-makers try to keep the American heart one. Let us try to have the same heart and nature rule in California and in Maine. We can do this, and should do this; but we can do it only by having men of the same heart and nature in the two distant localities. We may fill the two States with men sprung from the same great fountain. Sweet waters flow not from fountains whose feeding sources are bitter. Let us, as far as we can, dam up the fountain whose waters are poisoned by the soils upon which the first dews fall, and through which they percolate.

The gentleman from New York [Mr. TOWNSEND] talks about his sympathy with all men descended from Adam. Sir, there are good Christians and learned men who do not believe the Mongolian had his origin in our Adam. So the gentleman may be wasting his sympathies upon a spurious brother. He tells us about the Jews, downtrodden for ages, and spurned and spit upon by so many mediæval people. But here they are among our best citizens, and in France and England are ruling the destinies of those mighty lands. Ay, sir,

but the Jews here and in those lands are not only among us and among them, but are of us and of them. The Mongolians are among us but not of us. The gentleman talks of the days of 1854, when the cry was down with the Irish and the Catholics, and congratulates himself and us that that prejudice was short-lived. Ay, sir, but the Irish and the Germans were of the same common origin with us, and had in them the same nature and heart with Americans of other nationalities and of other religions. Not so the Mongolian. The Irishman and German of yesterday is American to-morrow. The Chinaman of yesterday is a Chinaman to-day, and from all we can gather by reading of and studying his nature will be, and is determined to be, a Chinaman to the end of the chapter.

Sir, the gentleman from California, [Mr. PAGE,] in arguing in favor of his bill, says that the Chinese are not immigrants here; that they only come for a temporary purpose. I most sincerely hope they will so continue. Instead of that being against our allowing them to come here it is to my mind the only redeeming feature connected with the whole question. For although I do not want such men to come here and help to starve out our own industrious laborers, yet far more would I object to their coming here to become citizens and thus help to destroy the homogeneity of our people. Sir, I believe America has before her a grand destiny. I believe she will be one of the great nations of the world. If she break down and attain not that grand future, it will be because of divergence of interests in those who inhabit different parts of her great empire. Railroads and telegraphs, bringing her distant localities into closer and closer communion, will help to prevent this danger. These means of daily and rapid intercommunication will tend to make all of her people one people, with one grand aim, one grand heart, and a common nature—one grand homogeneity. By my vote to-day I will try to keep out men of a different nation, of a different origin from our masses, who by their coming here in too great numbers will go far to prevent our being homogeneous.

Death of Hon. Beverly B. Douglas.

REMARKS OF HON. C. E. HOOKER, OF MISSISSIPPI.

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, January 22, 1879.

The House having under consideration the following resolutions:

Resolved, That this House has heard with deep regret of the death of Hon. BEVERLY B. DOUGLAS, a Representative from the State of Virginia.

Resolved, That the House do now suspend the consideration of all other business in order to pay appropriate respect to the memory of the lamented deceased.

Resolved, That in token of regret the members of this House do wear the usual badge of mourning for thirty days.

Resolved, That the Clerk of this House do communicate these resolutions to the Senate of the United States.

Resolved, That as a further mark of respect to the memory of the deceased the House do now adjourn—

Mr. HOOKER said:

Mr. SPEAKER: In rising to pay my tribute to our departed friend and brother, I have no studied phrases prepared for the occasion. I do so because it so chanced that the relations which existed between Mr. DOUGLAS and myself in the first Congress (the Forty-fourth) in which we both served brought me into intimate acquaintance and daily familiar intercourse with him.

It so chanced that I was appointed a member of the committee to investigate the Freedman's Bank, of which he was made the chairman, in the first session of the Forty-fourth Congress, to which my friend from Virginia [Mr. GOODE] has so appropriately alluded. On that committee it was my fortune to meet with Mr. DOUGLAS daily; to learn the temper and disposition of the man; to judge somewhat of the qualities alike of his head and heart. During the long months that we sat together in this Hall and served upon the same committee I learned to know him; I learned to love him.

He belonged to that great class of humanity that the Vicegerent of God on earth came to save, rather than the righteous. But he possessed so many of those great traits of character, intellectual and social, which make men distinguished and beloved, that no one could know him in all the intimate relations of friend and associate without feeling for him that profound respect which the people whom he represented and the citizens of Virginia throughout her borders always felt for him.

The history of the deceased has been alluded to by my distinguished friend, his colleague. It will be observed from the facts narrated by him that at the age of twenty-two years Mr. DOUGLAS had graduated at the law-school presided over by that great jurist and eminent lawyer, Beverly Tucker, of Virginia, whose brother, as a commentator and lecturer upon the laws of our land, takes position side by side with that great English jurist and eminent commentator who was the author of the horn-book of our profession.

When Mr. DOUGLAS had graduated at the early age of twenty-two

his father's love for him and regard for his welfare led him to send the young man to that country from which his ancestors came. He went to Edinburgh, and, as he once told me himself, at the instance of his father's brother pursued the study of another profession, that of medicine. In that seat of learning which adorns the country of his ancestors, and which has given us some of the greatest men in the old country and our own, men who render illustrious institutions of learning by their great precepts and moral example, he finished that education which had been begun in his own land in the ancient institution of William and Mary, that had graduated among its alumni some of the most distinguished men as jurists and patriots that our country has ever known.

But he returned to his home to follow the calling and vocation for which nature and education had so eminently fitted him. Those of us who happened to be associated with him here in the investigation of facts, in the illustration of truth, and in the development of great principles dear to the hearts of the people, know that in all his instincts of mind and soul he was pre-eminently qualified to adorn that profession which the greatest of English jurists had said embraces within its limits some of the noblest and also some of the meanest of mankind. A great New England lawyer, when he proposed to leave his provincial town to settle in the metropolis of Boston, was told that the profession was crowded, and that it would be difficult for a young man to obtain a position in it. His reply was, "There is always room at the top." Thus there was room for BEVERLY B. DOUGLAS.

He married in early life, and removed his residence from the county of New Kent and the city of Norfolk, where he had practiced his profession, to King William County in which he was married. He was afterward elected to represent that county in the convention called for the purpose of reforming the constitution of Virginia. Subsequently he was elected to the senate of Virginia, where he served side by side with many of the noblest and most distinguished men of that State, whether viewed as lawyers or as statesmen; and though at times he was thus brought vividly into comparison with men of as much culture and thorough training as his own, he always stood the peer of any and all with whom he came in contact.

It is remembered of him in connection with his professional career that no man was more formidable in the statement of facts, no man more eloquent in his appeals to the jury. He possessed that great element which underlies success in every enterprise: he had the courage at all times and in every situation to seek the truth and to speak the truth.

He came of ancient Scotch lineage, and as I have said spent some years in Scotland after the completion of his education here. That land has produced men of stronger muscle and of greater brain than perhaps any other land under the sun. It has lent to England its greatest statesman; it has lent to America its most distinguished professors of learning in every branch of science, literature and art. Mr. DOUGLAS seemed from this visit to the land of his ancestors to borrow something of the spirit and the fire and the devotion to truth which have ever belonged to that hardy race, hardy alike in muscle and in brain. It may be said of him as was said of one of his distinguished ancestors in the celebrated lament of the poet over that great Scotchman:

He is gone on the mountain,
He is lost to the forest,
Like a summer-dried fountain,
When our need was the sorest.
The font, reappearing,
From the rain-drops shall borrow,
But to us comes no cheering,
To Douglas no morrow.

The hand of the reaper
Takes the ears that are hoary,
But the voice of the weeper
Wails manhood in glory.
The autumn winds rushing
Waft the leaves that are searest,
But our flower was in flushing,
When blighting was nearest.

Fleet foot on the corral,
Sage counsel in lumber,
Red hand in the foray,
How sound is thy slumber!
Like the dew on the mountain,
Like the foam on the river,
Like the bubble on the fountain,
Thou art gone and forever!

Those who saw DOUGLAS in the days of his ripe manhood, those who saw him when he left the pursuits of civil life to take the humble rank of a soldier, gradually advancing until he became the major of the Fifth Virginia Cavalry, those who have seen him lead the onset on the field of battle must have realized that he came of that hardy race who peopled the heather-side whenever deeds of daring and noble venture were to be done.

But, sir, great as he may have been as a lawyer, sage as he may have been as a legislator, wise as he may have been as a Representative of his people, there were traits of his character lying apart from public view far more endearing to those who were intimately associated with him. BEVERLY B. DOUGLAS may be forgotten as a lawyer, forgotten as a statesman, forgotten as a politician; but he will ever be remembered as one whose heart beat responsive to those

warmer and dearer sentiments that gather round the fireside and make home that source of pleasure which it is to us all. As a neighbor and as a friend he endeared himself to those who knew him. As was well said in a letter addressed to one of his distinguished colleagues on this floor and which I saw yesterday, "he was generous to a fault; he would fight for a friend, ay! die for him, if it was necessary, and feel that he performed but the common duty which his heart prompted." It is in these tenderer relations of life that he will always live in the affections of the people who knew him best. We, his comrades and colleagues, standing reverently and yet affectionately on the verge of that sacred circle which embraces within it those who were bound to him by the ties of blood and kindred, may claim it as our privilege and our duty to mingle our tears with theirs in this tribute to those noble traits of character which make a man dear to his fellow-citizens and to his friends.

It was his misfortune some years ago to lose the partner of his life, she who had been the light of his life and the joy of his household. He left no male heir to transmit his name to future generations. For this great loss he was consoled alone by the lovely daughters who gathered around his hearth to supply to his home and his heart that which he had lost in the partner of his bosom. It was my fortune to witness his beautiful devotion, his loving tenderness, his sweet care exhibited toward these daughters of his household. When I thus saw him I should have been something more or less than mortal if my heart had not warmed toward one who so tenderly felt and so readily yielded to their caresses and their wishes. It has been said of one like himself, and of his own name, who wept over his daughters when they came to cheer him:

Some feelings are to mortals given,
With less of earth in them than heaven.
And if there be a human tear
From passion's dross refined and clear,
A tear so limpid and so meek,
It would not stain an angel's cheek,
'Tis that which a loving father sheds
Upon his duteous daughter's head!
And as the Douglas to his breast
His darling daughters closely pressed,
Such holy drops their tresses steeped,
Though 'twas a hero's eye that wepted.

These peculiar traits of character endeared him to the people in the midst of whom he lived. To them he dedicated the freshness of his manhood; for he was pre-eminently unselfish. But there was one characteristic which above all others endeared him to those who knew him. I refer to his unswerving fidelity to truth, his conscientious discharge of duty, from which no temptations or passions could seduce him. His conduct in this respect, as exhibited in our investigations in this Hall, has often reminded me of that splendid tribute which the old Latin poet paid to one of the greatest of the ancient heroes;

Justum et tenacem propositi virum
Non civium ardor prava jubentium,
Non vultus instantis tyranni
Mente quatit solida, neque Auster.

Amidst the passions and emotions of humanity, he strewed along the pathway of his life, simple as it was, great deeds, noble actions, generous and chivalrous sentiments, shadowed by but a single fault, clouded by but a single error, "as the giant oak of his own native forests strews its foliage in a kindly largess to the soil it grew on."

The Chinese Problem.

SPEECH OF HON. HORACE DAVIS, OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 28, 1879,

On the bill (H. R. No. 2423) to restrict the immigration of Chinese to the United States.

Mr. DAVIS, of California. Mr. Speaker, the traditional policy of the United States has been to encourage unrestricted immigration, to greet with a welcome every man that came to their shores. The Pacific States now come before you and ask you to make a new departure. New problems and new conditions confront them of so weighty a character as to require, they believe, a new line of national policy in this matter. Of these problems and these conditions I will now speak.

NEW PROBLEMS AND CONDITIONS.

Our fathers dealt simply with the question of European immigration. The strangers coming to these shores in early days were few and far between, and were so little different from our own people that they readily found a place in the great family. But even the founders of the Republic, in their boasted equality of all men, recognized the diversity of races, excluded the Indian from representation, and provided for negro slavery. To-day new conditions of national life, the vast expansion of the area of the Republic, easy modes of transportation across the ocean, bringing to our very doors nations

which half a century ago were months of travel from us, all these call for a new adjustment of our relations to other nations.

EXPANSION OF CITIZENSHIP.

Up to 1830 the United States had increased by natural growth. Nearly all the voting population were native citizens, born and bred to self-government. Since that time our country has rapidly expanded. A large stream of foreign population unused to the exercise of political power has poured in upon us, and the colored people of the South have been emancipated and endowed with the elective franchise. To clothe with political power these large bodies of men unused to its exercise has been called a severe strain upon our institutions; and some thoughtful men call upon us to pause even now and let the body-politic digest this new material. But the problem which confronts us on the shores of the Pacific is far more dangerous than those I have mentioned. The European immigrant is near akin to us in blood; his habits of life and modes of thought easily blend with ours. He is lost in the great mass of American citizens, and his children when they grow up have no mark to distinguish them from our own. The negro's ancestors were brought here against their will, and the colored man of to-day was born and brought up on American soil.

AN INVASION OF ASIATICS.

But now comes a new flood of humanity from across the Pacific—an importation or an invasion rather than an immigration—and the question confronts us, shall we extend them the same welcome as we have offered the European? No reasonable man can claim that they have any abstract right to come here or can come except by our consent. Every nation claims the right to regulate the incoming of strangers, and the Government of China itself denies our people the right of permanent residence outside of treaty ports.

TWO QUESTIONS.

There are, then, two questions to consider: first, are these people a desirable accession to our population; and, second, if not, are they likely to come in such numbers as to endanger our country or any part of it?

As we claim the right to exclude paupers, convicts, and persons with infectious diseases as burdensome and dangerous to our people, so we would bar the doors of the State to any class of strangers whose spirit is hostile to our institutions; who, maintaining a foreign allegiance, make no permanent settlement here, take no interest in the State, cannot be controlled by our laws, and who by the experience of other nations have been shown to be a dangerous element in society; who degrade labor and revive the spirit if not the forms of slavery.

This is the indictment presented by the people of California against the Chinese.

AN INVASION AND NOT IMMIGRATION.

And, first, this movement is in no sense an immigration. It is rather an army of peaceful invasion; an army of adult males without wives, without children, without family relations, without permanent residence; compact and well disciplined under the control of the Chinese six companies; shipped to this country in great measure under labor contracts with wealthy houses in China; consigned to the six companies, on whose books they are enrolled and who hold them in subjection partly by their oaths and superstitious fears, but mainly by the connivance of the transportation companies who dare not carry back a Chinaman alive without the consent of the six companies.

THEY DO NOT ASSIMILATE WITH US.

Second. These men born to a civilization which was cast in its present mold thousands of years ago, bred to habits of life and modes of thought presenting few points of sympathy with us, during the twenty-five years they have lived in California have made no progress whatever toward any assimilation with our own people. Indeed, considering their nomadic habits and the intense conservatism of their national character, we could hardly expect it. Be that as it may, they are to-day just what they were a quarter of a century ago.

A STATE WITHIN A STATE.

Third. Thus separated from our own people though in our midst, and clustering together, forming in the cities dense masses of population, ignorant of our laws and rejecting our customs, they form practically a government of their own inside of our Government. Their own secret societies are more formidable to them than the officers of our laws, and the criminal shielded by a strong national sympathy escapes the strong hand of justice.

IT RENEWS THE SPIRIT OF SLAVERY.

Fourth. The presence of this large body of foreign laborers, separated from us by sharply drawn lines, in a condition of semi-servitude, renews the old war of castes and restores in another form those hateful divisions of society which we have just spent so much blood and treasure to break down.

ESPECIALLY HARD ON THE LABORER.

So far the bitterness of this struggle in California has fallen upon the poorer classes. The laboring-men are unable to resist this movement. With families to support, with children to educate and maintain in decent comfort and respectability, they are no match for the Asiatics who come here single-handed, with a hereditary frugality trained by centuries of want, and with habits of life reducing their needs to bare animal subsistence. It is idle to say that these matters must be settled by competition, that the strongest must survive and the weakest must go under in the struggle. This is nature's law—

the law of brute force, and we are perpetually trying to modify it by the higher principle of protection. As well tell the farmer to let the weeds and the wheat struggle for survival. This more reasonable theory of protection finds a place in our legislation when we foster American manufactures and protect them from foreign competition, and the same principle that protects the cotton-spinner of Massachusetts, the iron-worker of Pennsylvania, or the sugar-planter of Louisiana, calls on you to come to the aid of the laborer of California and save him from this unequal struggle—all the more real because it is at our very doors.

Cheap labor and the accumulation of wealth are not the objects of republican government, but the creation of a prosperous, happy, and united people. Now, to reduce our men to the Chinese standard of a bare maintenance of animal life is to discourage immigration of white labor and to substitute for it an inferior class of men, degrading labor itself by making it the heritage of a servile race instead of the privilege of a manly citizen, and renewing within our borders, as already stated, the system of slavery which we have overthrown.

CALIFORNIA WILL BECOME A CHINESE PROVINCE.

If this invasion continues unrestricted, there can be only one result—white labor will be driven from the Pacific coast and the gap supplied by Chinese. The statutes enacted by the State for our relief have been set aside by the Federal courts; the doors have been thrown wide open, and we have no refuge. The Chinese, crowded out of their own land by hunger and want, will flock across the ocean in swarms. As they accumulate capital they will gradually creep into new lines of business from which we are unable to dislodge them, till California becomes like Singapore—where they form three-quarters of the population—where they have driven the English out of different branches of trade and manufactures, and have absorbed to a certain extent even the banking business, and own different lines of steamships plying upon the Indian Ocean; where they are so numerous and turbulent as to defy the authorities, who confess their inability to keep them in proper check, and have repeatedly been obliged to call upon the strong arm of the English navy to protect the city, and in one case were glad to avail themselves of the services of an American fleet.

THEY WILL CLAIM THE RIGHT TO VOTE.

As they increase in numbers in the Pacific States they will claim the right of suffrage, and in all probability will obtain it. They have become naturalized under the British government at Singapore, and have obtained seats in the colonial legislature in order the better to avail themselves of the advantages of a residence there, without renouncing at heart their allegiance to China, without ceasing to regard that as their home, and without modifying in any sense those prejudices and habits of thought, the fruits of their early education. So you will have in California a Mongolian state, occupied and ruled by aliens bound to us neither by sympathy nor interest, and that grand domain won from Mexico by the heroism of our soldiers will degenerate into a province of China.

NO HOPE FOR ANY CHANGE.

Sanguine philanthropists laugh at such predictions, and say that the Chinese will gradually change under these new influences and become like our own people.

In some remarks made in this House on the 8th of June, 1878, I reviewed the condition of the Chinese in all other countries to which they had emigrated, and showed that wherever they go they preserve their national characteristics and prejudices unaltered. Even in those countries like Java and Manilla, where they have lived for hundreds of years, their residence is marked by the same features as in California. Sir John Browning is a witness whose long residence in China entitles him to speak with confidence, while his well-known friendship for the Chinese would give him a bias in their favor; and he says, in his Kingdom and People of Siam:

The Chinese do not emigrate to mingle with and be absorbed among other tribes and peoples. They preserve their own language, their own nationality, their own costume and religious usages, their own traditions, habits, and social organization.

And Sir Stamford Raffles, in his work upon Java, says substantially the same thing:

From their peculiar language and manners they form a kind of separate society in every place where they settle. Their ascendancy requires to be carefully guarded against and restricted.

LIKELY TO FLOOD THE COUNTRY.

From all these considerations it is very evident that this immigration is not of a character which we care to encourage. The question simply remains, are they likely to come in sufficient numbers to justify the proposed legislation. On the one side of the Pacific Ocean is a vast empire densely packed with human beings numbering hundreds of millions, where the wages of a common laborer are from fifteen to twenty-five cents a day, and whose poorer classes are plunged in such desperate depths of poverty as we can hardly conceive. On the other side is a young and blooming country waiting to be supplied with population, a land with genial climate and fertile soil, a paradise of hope to these wretched men, where a few years' labor will enable them to return home rich for life. The passage across varies from fifteen to fifty dollars, and the wealthy men of China are ready and anxious to furnish the means to ship them over under labor contracts. Will they come? Nay, they are here already, one hundred and fifty thousand strong, and in California they are numerous enough to form one-third of the adult males of the State.

If, on the other hand, we turn our faces toward the East, we find that it costs the European immigrant from seventy-five to one hundred dollars to reach California. During the decade ending with the year 1877, 24 per cent. of all immigration by sea and land to California was from Asia. It has varied from time to time with the temporary prosperity or adversity of the State, and so during the last two years it has been checked by hard times and by fears arising from the political agitation of this subject. Should these fears subside, and prosperity in business revive, I have no doubt this immigration will pour in in greater volume than ever. Nor will it be confined to California. The advance guard of the invading army has reached many of the principal eastern cities. The workmen of the East already scent the danger, and the warning cry has gone up from their representative bodies, imploring you not to leave them at the mercy of this new enemy.

EUROPEAN ANXIETY ON THIS SUBJECT.

California is not alone in her anxious consideration of this subject. The advance of China in the arts and sciences since the breaking down of the self-imposed barriers around her has attracted the attention and anxiety even of the grave diplomatists of Europe. At the treaty of Berlin Count Schouvaloff, the Russian envoy, used the following remarkable language:

If the countless hordes of China and India are to be permitted to arm themselves with modern weapons and to acquire a practical knowledge of the art of modern warfare, there will be nothing to prevent them from rolling forth into Europe and crushing Christian civilization out of existence. Especially were the Mongolians to be feigned from this point of view, and he invited the congress to take the matter into serious consideration and to deliberate upon the practicability of a league of the European powers, binding them to abstain from employing Asiatic troops in Europe and to prevent, as far as possible, the importation of arms of precision into Asia.

Again, the increasing disposition of the Chinese to emigrate is causing remark even in European literary circles, and is made the subject of articles in their reviews, while it causes serious alarm to their East Indian colonies, who pray for restrictive legislation to ward off the threatened danger.

Sir Walter H. Medhurst in an article in the *Nineteenth Century* for September, 1878, entitled "The Chinese as Colonists," uses this language:

It follows that whatever may be the political changes that may transpire in the countries to which Chinamen resort, their condition will be the happiest for themselves, and safest for the country concerned, if they are dealt with as a subject people, and, as has already been remarked, as a community possessing abnormal characteristics, and therefore needing otherwise than ordinary treatment.

A subject people! This is exactly the basis on which the French, Dutch, and Spanish governments deal with them in the East Indies, but this is impossible in republican America; and our only protection from their "abnormal characteristics" is to exclude them from our shores.

The French, too, are alive to the importance of this movement. In the *Revue des Deux Mondes* for October, 1878, is an article of profound interest to us, entitled "The Chinese Invasion, or Socialism in the United States," from which I quote these words:

If nothing happens to check this movement before the end of this century China will have completely overrun California, and pushing forward her waves of emigrants, she will spread toward the rich and fertile plains of the center of the American continent. Only a war of extermination can then take from them what they will have peacefully conquered by the sole force of numbers, work, and slow, patient economy. What such a war will be one can easily imagine; and this new conflict of races will attain proportions hitherto unknown.

And again:

It is evident that whenever the Chinaman becomes a permanent resident, the invasion will increase by giant strides and the American population will disappear in these compact masses of Asiatics. Without the reverse current homeward, California would have been long ago a Chinese colony.

Now, Mr. Speaker, the Pacific coast calls upon you for immediate relief, and the feeling of the people is a unit in this matter. So far as they can make themselves heard through their representative bodies, their social organizations, their political or religious conventions, their Legislatures, and, last of all, through our California constitutional convention, there is but one voice, and that is for the immediate restriction of this invasion now, before the evil assumes proportions beyond our control. There is no hope to be drawn from diplomacy. The policy of the Chinese government is delay—delay, forever delay. It is for us to act and not to talk. It is as much the duty of Congress to repel this invasion as though these people came with arms in their hands. Nor will the passage of this act be in any sense a breach of good faith. The Burlingame treaty has had a trial of ten years and is found wanting. In June, 1878, Congress notified the Executive of its desire for a modification of this treaty. Before this act goes into effect a year's notice will have been given to the Chinese government of our intentions. Seven months of that year have elapsed and we are no nearer our object than we were in June. What if they continue this polite delay indefinitely? Must our people suffer indefinitely? After the English had made their extradition treaty with us they enacted a statute controlling its operation without so much as saying "by your leave." Their action in the premises was far more arbitrary than what we propose in this bill.

It is time for us to act in this matter now. Let us push back this hostile invasion from our shores and restore the traditions of a Republic united, harmonious, and free.

Chinese Immigration.

SPEECH OF HON. ORANGE JACOBS, OF WASHINGTON TERRITORY, IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 28, 1879,

On the bill (H. R. No. 2423) to restrict the immigration of Chinese to the United States.

Mr. JACOBS. Mr. Speaker, representing a Territory on the Pacific coast already invaded by a considerable number of Chinamen and threatened by a still larger invasion, it is expected of me that when a fit opportunity presents itself I should give an expression of the sentiments of the people upon the expediency of preventing or restricting such invasion. I do this with the more pleasure because my opinions are in accord with the sentiments of the people. The following resolution of the republican platform adopted by the territorial convention of last fall expresses the sentiments of a large majority of the voters of the Territory:

Resolved, That the immigration into the United States of the Mongolian race is an evil that the Government ought to prohibit, and we favor the speedy modification of all treaties that give them the right to come hither; and we insist on the passage of such laws as shall protect our people from their encroachments.

It is true that the platform of the democratic party was silent upon the subject, yet it is manifest that a large majority of that party are and were in favor of the principles asserted in the resolution quoted above.

The convictions of the people are founded upon the following reasons among others: First, it is impolitic and unwise to encourage the immigration and settlement in the country of a large and constantly increasing population who under our naturalization laws cannot become citizens of the Republic, and who as a general rule do not desire to do so. While it may have been intimated that a Chinaman has the right if he so desires to avail himself of the advantages of our naturalization laws, yet the weight of authority and the better reason as well as the historic traditions of the country are against it.

Section 2169 of the Revised Statutes of the United States is as follows:

The provisions of this title shall apply to aliens [being free white, and to aliens] of African nativity and to persons of African descent.

It will be seen that the person applying for the benefits of the naturalization laws must be a white person or a person of African nativity or African descent. The general provision, as well as the exception, excludes the Chinaman. Under no classification of the human race has the Mongolian ever been denominated a white person.

Originally all were excluded but white persons. Africans and Asiatics were excluded because they did not answer that description. Under the change made necessary by the emancipation of the black race among us and the clothing them with the elective franchise an exception had to be incorporated into our naturalization laws removing the exclusion so far as they were concerned. It is manifest that the retention of the word "white," which also operates as a term of exclusion, in connection with the exception but intensifies the exclusion of the others not excepted. In exact harmony with the views above stated have been the decisions of all the courts, Federal, State, and territorial, of the Pacific coast. In a few instances the Chinaman has been permitted to make his declaration of intention to become a citizen of the United States, as a preparatory step to a decision upon the question of his ultimate right in the premises; but I can safely say that in no case has he been permitted to complete his naturalization.

Unable, then, to become a citizen of the United States, and unwilling in a great majority of cases to so become, the only relation of the citizen to him must be that of ruler or master. This relation is at once oppressive to him and injurious to the citizen. The results growing out of this relation of subservience on the one hand and mastery on the other has been uniform wherever the relation has existed on the Pacific coast, and they have not at all been complimentary to the whites or beneficial to the Mongolian. The same results would exist here in the same intensity if the relative number of the two races were the same. These results are not the exceptional and sporadic ebullitions of the high-pressure civilization of the Pacific coast. The same repugnance to dwelling among or in proximity to their fragrant abodes, the same staring, jostlings, and the same irritating prejudices and competitions as exist there would soon exist here. The wise ruler recognizes the prejudices and passions of men as they exist, and does not attempt the enforcement of rules of action that could only produce beneficial results in a society of angels. It cannot be denied that the presence of Chinamen on the Pacific coast and their constantly increasing numbers is a source of great irritation to the workmen there. Why continue this irritation? We have the power to remove it, why not exercise that power? We who wear the shoe know best where that shoe pinches; why not heed our warning? There are no commercial advantages accruing to the nation at large sufficient to atone for this irritation. Domestic peace and public tranquillity are of higher moment and greater importance than all

of the commercial benefits supposed to be inseparably connected with the unrestricted continuance of the treaty.

Secondly. There never has been and, reasoning from the past, there never will be any general assimilation in manners, habits, dress, diet, or opinions of the Chinamen with our people. Twenty-five years upon the Pacific coast has found him at its close the same as when he first arrived; he shaves his head and wears his cue the same as when he first came; his character as well as his habits are immobile; he worships "Joss" in his extemporized temples with burning tapers and horrid din as in fatherland; he feeds the dead at stated times as is the custom of his brethren in the flowery kingdom; he left his wife, sisters, and mother behind, and hence has no domestic ties in the country. In no sense does he consider this country his home. While he has no domestic or home ties here his character is illustrated by the fact that he brought harlots in abundance for the gratification of his lusts and for purposes of traffic. He came to gather money and to take it back to fatherland. He owes the Government no duty of protection or defense; he pays but a little into its coffers in the way of taxes, while he exhausts the life blood of the laborer. With no adoption of our ideas and sentiments in those things considered by us as elevating and ennobling; with all the vices and crimes of a lower civilization clinging to him; dwelling together in opium houses and cellars in numbers sufficient to suffocate white men, he can only be loved by those who view him at magnificent distances, and his assimilation is an impossibility.

Thirdly. The Chinaman can and does live far more cheaply than the white laborer. He requires less room, and hence pays less rent than the white man. Twenty-five Chinamen can find ample accommodations in a house not large enough for an ordinary family. His food consists of fewer articles and cheaper than that deemed necessary for the comfortable subsistence of the white laborer and his family. The abode of the Chinaman is destitute of carpets, furniture, pictures, or reading matter. His wants in this regard being reduced to a rule of simple existence, he, of course, can afford to labor for a price less than that demanded by the white laborer; and the inevitable consequence is that the white laborer is driven into enforced idleness or compelled to toil for a bare subsistence. There is no demand in this country for an increase of laborers, and there has not been for years. Thousands of white laborers are out of employment and have been for a long time. They have spent the small savings of toiling years, and are, many of them, reduced to absolute want. Is it wise to still further intensify their sufferings, still further aggravate their situation by bringing the millions of China into competition with them, and thus shut out all hope of the future from them and their children? No one can doubt, who has lived upon the Pacific coast and noted the effect of the unrestricted immigration of the Chinese, that the effect is to reduce the white laborer to the same condition as that of the Chinese laborer. Does any one desire this? The boast of America has heretofore been that her laborers were intelligent, were comfortably housed, and had an abundance of the comforts and many of the luxuries of life. Their homes were the abode of happiness and contentment. Their occupation was honorable. It was not debased by the competition of an ignorant and servile race. Their future was full of hope. Let us not destroy this condition of things by bringing into irritating competition with them the pauper millions of China.

Chinese Immigration.

SPEECH OF HON. D. C. HASKELL,

OF KANSAS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 28, 1879,

On the bill (H. R. No. 2423) to restrict the immigration of Chinese to the United States.

Mr. HASKELL. Mr. Speaker, restriction of immigration is a novel idea in the policy of our Government. Hitherto we have stood with outstretched arms to welcome to our shores all from any nation who desired a home among us. Strictly speaking, the pending bill will if enacted into a law make no change in public policy. All who desire a home among us, all who by the laws of the United States by naturalization may become citizens, are still invited to come. My first impressions on the subject of Chinese immigration were to the effect that our California friends were unduly alarmed at the presence of the Mongolian, that prejudice of color and race had been allowed to cloud sound judgment, and that an enlightened statesmanship would find itself compelled to reject the proposed legislation for the restriction of that peculiar immigration as not only contrary to wise treaty stipulations but as against the just rights of common humanity. My investigations, which I confess have been too limited for so important a subject, instead of confirming my earlier impressions have caused me to reject them.

I regard the passage of the pending measure as of the utmost moment, as demanded by the exigencies of the situation for the protection of the best interests of our citizens on the Pacific slope, in fact of the entire nation.

The investigations of this subject by the Committee on Education and Labor have not been of an *ex parte* character. The opponents of restrictive legislation were ably represented before the committee by Joseph C. G. Kennedy, esq., and his argument, contained in Senate Miscellaneous Document No. 36, exhausts the subject as viewed from his stand-point, and attests not only his ability to deal with the subject, but his devotion as well to the interests (as he conceives them) of the Chinese immigrant. Papers and arguments, with abundant testimony from other devoted friends in great abundance, have been presented.

Grant entire tranquillity, an utter lack of agitation over the presence of this Mongolian population, and two classes of the society thus formed would to a certain extent be benefited by Chinese labor—first, large employers of labor; second, the Chinamen themselves. But I incline to the opinion that the ills incident to their presence even under favorable circumstances would outweigh the benefits.

It is generally conceded that these people confer upon us one great boon, that is, cheap labor. I confess at the outset that I am not an enthusiastic advocate of cheap labor. If the chief aim of our Government was the building of a mighty and magnificent State, I would hail the coming of the Chinaman as a national blessing, and advocate cheap labor as a most desirable adjunct thereto. But believing that the peace and prosperity of the individual citizen is the paramount idea of our Government, and the equality of citizens the admitted rule, I can conceive of situations wherein cheap labor becomes a curse and a snare, and, in my opinion, the friends of unlimited Chinese immigration, in their devotion to this idea, have been led into the grave error of paying altogether "too much for the whistle."

I have failed to find one benefit other than this of cheap labor that is to be derived from the presence here of these people, while I note that their influx has already wrought out many ills, and to-day menaces us with many dangers.

They have brought to us in the laws of their country nothing that we can utilize. They have introduced no valuable customs. They have given us no valuable inventions. They have no improved system of morality. They possess no superior physique. They have no stronger mental power. They add nothing to our national strength.

In case of foreign invasion they would constitute an element of weakness. In religion they are Pagans. In social habit they are licentious. Of an American home they have little knowledge, and for it even less of love and reverence. They have been in the United States in greater or less numbers for thirty-five years. We are not entirely ignorant of their capacities nor of their tendencies.

At the end of thirty-five years we find no railroads operated on the Chinese plan, no steamboat run on Chinese principles, no telegraphing by Chinese methods, no improved Chinese farm machinery; absolutely nothing of real utility made or done after the manner of the Celestial Empire.

In our last political campaign they did not furnish even a Chinese system of finance, and we have only Bret Harte's word for it that they are our superiors at euchre. A long array, surely, of negations, every one, however, susceptible of proof, I believe.

But they do bring to us Chinese cheap labor, and bringing nothing else, if they would conform to our methods, not being able to prove the superiority of their own, we might tolerate them for the one talent they possess of being able to work for and live on low wages. But they will not conform to our methods. The Mongolian has never conformed to any method of any people on earth, save and except where he has found the methods of that people desirable in money-getting and money-saving processes.

They are a people among us, but not of us. They are charged with almost habitual violation of law, page after page of the congressional committee's report is covered with testimony to this effect, the truth of which their friends deny. If they do not openly violate our laws, they are governed by codes of their own, administered by officials of their own, and form in California, as in all foreign states where they exist in any numbers, an almost independent state and nationality. Like the mistletoe they do not establish themselves in the common soil for nourishment, and stand side by side with us, but like that parasite draw their life and sustenance from the growing stem that supports them, and maintain their own individuality of form and foliage. This lack of assimilation, a quality peculiar to the race, and made evident in every Chinese colony, notably so in California, Australia, Cochin China, the Phillipine Islands, and Singapore; this refusal to join with us under common forms, and so blend in one harmonious whole, is perhaps the strongest argument for limiting the flow of immigration. Here are a people, no matter how closely they are associated with us, that are not changed a whit in the contact. There was evidence before our committee going to show that in a few isolated instances Chinamen had been converted to Christianity, but as a rule with merely nominal exceptions. As they were when they came so they are to-day in religion, morals, customs, personal habits, and in love and veneration for the laws and forms of the Celestial Empire. We may not blame them for not loving all they see in the working of our institutions, nor wonder that they note a vast difference between our public professions and our private practices; but we must agree on the one point, to wit, that if larger numbers of them were to make a residence among us they would have to consent to become Americans. Two large and distinct nationalities cannot exist in equality under one government; and we cannot become Mongolian.

It having become certain that they cannot or will not assimilate

with us, it will be found equally certain that only a limited number of them can live among us in tranquillity and with safety to our institutions. Immigrants from European nations we can absorb. The second generation carries with it few traces of its origin. The children of the European immigrant, and often the immigrant himself, becomes simply an American citizen. Taken into our system, they, like bread in the stomach, nourish the whole body and increase its vitality and power. The Mongolian in the stomach of our political body is a pebble, if not, indeed, a poison. Admit all this, and it is asked, "Why not leave the problem of how many of these people we may be able to contain with safety to the natural working of the great law of supply and demand?" To this I reply that it has been left to that law, and we are now confronting on our Pacific slope dangers growing out of a society shaken to its very foundations, politically, socially, financially, that threatens the safety, as it has already destroyed the peace, of our citizens there, and yet the great law of supply and demand pours hundreds of Chinamen, month by month, into their ports to aggravate an evil that, constantly increasing, gives no sign of future diminution.

The evidence of the social depravity of Chinese men and women is something horrible, for which I refer you to the pages of the report of the congressional committee, to the report of the committee of the State senate of California as too sickening from its revolting character for recital here.

It has been wrongfully stated that the low price per day for which John Chinamen will labor is the only real cause of dissatisfaction, and that this discontent is confined to the idle and dissolute classes, which, "dog in the manger" like, will not work nor let others labor.

The idle and the dissolute have, beyond a doubt, formed an element of disturbance and increased the friction between the American and the Chinese laborer; but opposition to unrestricted immigration is a sentiment common to all classes in California, and has become well-nigh universal. Moral: Social and political considerations are involved in this vexing problem, as well as those of labor. The social habits of the Chinamen are simply abominable, and repugnant to our domestic institutions.

They are licentious, recognizing concubinage as an institution and prostitution as legitimate. They buy and sell their women and children in their own country, thus degrading them to the station of slaves. Very few women are brought to this country that are not designed for prostitution. They are pagans, and bound to the lowest superstitions, to absurd and revolting rites and incantations, which they prefer to Christianity. They make for themselves no homes, but herd with others of their kind in quarters barely fit for the habitations of dumb animals; a room twenty feet square furnishing accommodations for that many men, who cook their food, eat, and sleep in the one apartment. They disregard the sanctity of an oath and render punishment of offenders against the law almost impossible. They are cunning thieves, and theft is a crime almost universal among those who live in the cities and towns. They have no love for republican forms of government, and seem unable to grasp the idea of sovereign citizenship. Their food and clothing are of the cheapest and plainest sort; and the cost of the living of a Chinaman is not equal to that of the child of the average American workingman, who is brought into direct competition with this class for the sale of his labor. The result of this competition must inevitably be either, first, the abandonment of the field to the Mongolians; or, second, the degradation of the American to his level; for it is evident that the laborer with a home and family to support cannot compete successfully with the one who has neither to care for. Christian civilization exalts the citizen and encourages the fullest development of manhood. Those of the Chinamen who reach this country seem to regard mere existence a sufficient ambition, and many of them from the force of their religious teaching are careless even of that. It is a contemplation of these facts in their aggregate that has disturbed the tranquillity of citizens of the Pacific slope, from the highest to the lowest. The American laborer sees his bread taken from his mouth and given to one who does not benefit the public with anything save cheap labor, and is powerless to avert the evil. He sees labor degraded, its dignity destroyed, and himself and his associates threatened with a reduction to the level of mere machines in a country whose government was designed to elevate and ennoble him.

The philanthropist and the publicist note with uneasiness the influx of a people who under the laws of the land cannot become citizens, and whose touch is moral and social contamination.

The home is the unit of our civilization—home and family the rightful objects of our highest and holiest aspirations. That which enriches with love and virtue the home of the citizen purifies and exalts the nation. But the maintenance of a home and wife and children costs money, however humble the home may be. One home and one voter in this country stand for a population of four or five. An American laborer works for himself and four others; John Chinaman works only for himself.

I submit that such competition is ruinous, and, if continued, will reduce the income of the American laborer day by day and year by year, until he, like his Mongolian competitor, is homeless from sheer inability to support more than himself.

What wonder is it, then, that all society is agitated on the Pacific slope in contemplation of these facts, and that the California laborer asks that he be aided to maintain his courage, his manliness, his integrity, his patriotism, and his home.

The proof of these allegations in reference to this immigration, its character, and its tendencies is so voluminous that I have no time today to present it in the language of the witnesses themselves. It is largely a part of the records of Congress, and can be examined at leisure.

The evidence collected by the joint committee of Congress (Senator Morton chairman) covers twelve hundred pages; that prepared by the senate of the State of California half as much more; while the arguments and pamphlets by single individuals, *pro* and *con*, are almost innumerable.

It is estimated that the Chinese empire contains, at the lowest estimate, 300,000,000 of people; the cost of passage to this country not to exceed \$40; often much less. The supply is inexhaustible. Most of the immigrants sail from Hong-Kong. Three provinces alone have furnished the 150,000 that are now in California.

It is easy to see that so long as it pays to emigrate to this country the influx will continue.

The price of labor in China rarely exceeds ten cents per day; here it is at least \$1. The premium offered the Chinaman is a standing and a sufficient inducement to bring him here.

When it is charged that the gross immoralities of the Chinese make their presence undesirable, and their practices are alluded to and shown, we are treated to quotations from the annals of crime in our newspapers to prove that they are no worse than we, and the black list of murders, infanticides, and debaucheries make one blush for the record. But we are not to forget that there are thus placed before us the exceptions of American society, its abhorrent excrescences against the all-pervading vices of the Chinese. The difference is this, we abhor and punish bigamy, concubinage, prostitution, gambling, and perjury, while the Chinese may be said to legitimize them all.

On pages 17, 18, 34, and 35 of Mr. Kennedy's argument he proceeds by extracts from testimony before the congressional committee and other sources to prove that "they are the best laboring class we have," and this, he says, "is the testimony of every man of prominence—farmer, banker, manufacturer, or extensive merchant—who has not been a candidate for popular suffrage." He would hardly reassert that statement to-day. But what are we to infer from all this? Surely, not that it would be wise for us to trade the American citizen laborer for the Mongolian. From his reference to the fact that candidates for office do not espouse this side of the case we are led to infer that men other than those "of prominence," bankers, large employers of labor, &c., are to be found on the other side with the mechanics and laborers, and that these latter are in a large majority.

The American laborer is a part and parcel of our system. We must change radically in other respects if we propose to invite the free importation of Chinese labor, careless whether it excludes from our services all but Mongolians.

Capital forced to a harsh, severe competition can overcome the difficulties of a given investment and situation or betake itself to a more remunerative field. Labor crowded to the wall has often no alternative but to suffer in silence and hopelessness, unless the Government protects it by demanding less of it or by removing the cause of the oppression.

We have taught our workingmen to love schools, churches, morality, habits of cleanliness, and wholesome food. He is a sovereign citizen, expected to take part in affairs of government and make intelligent decisions at the polls. It is evident that less must be expected of him if he is to abandon his home to lessen his expenses and content himself with a diet of rice eaten with chop-sticks that he may compete in the cheapness of his labor with John Chinaman.

However pleasant or bearable this may be to "men of prominence, bankers," &c., the fact remains that these men who object to this condition of things are not only in the majority, but have a right to live and to be protected in the enjoyment of that life.

The difficulties experienced in California by this immigration have presented themselves at every point that Chinamen have appeared in large numbers, "non-assimilating," "transient," "a dangerous element," "adding nothing to the power, dignity, or morality, of the nation," is the one common report from all countries and nations to which they have flocked.

China seems to present the features of a grand labor bank, given a railroad to build or any work of magnitude to construct and the contractor has but to make a draft that is honored at once by the importation of as many Chinamen as may be wanted, and at wages that make American competition hopeless. While we may look on the competitive struggles of two giant corporations with only a feeling of curiosity, a competition of a foreign power with the very flesh and blood of our own people can only be regarded with feelings at once of the deepest alarm and the utmost repugnance. The friction between the American and the Mongolian has already developed much heat; unless a remedy is soon applied, in my opinion we shall be called upon ere long to quench the flames that shall have enveloped the social fabric of our fellow-citizens of California.

For several years the Representatives of that State have warned us of the danger, and begged our interposition. They have faithfully performed their duty. A grave responsibility rests upon this Congress that I trust may to an extent be discharged by the passage of the pending measure. The necessity of action admitted, the power of Congress in the premises and the wisdom of the proposed legislation ought specially to engage our attention.

That we desire to continue amicable relations with China all admit. The measure proposed is for the mutual benefit of the subjects of the Chinese Emperor and of our own citizens. If by the modification of the present treaties with China we could accomplish the desired results I should prefer that course, and rely upon that government to enforce the modified stipulations. It is clearly apparent that such a course will not reach the evil. Most of these people come to this country by way of Hong-Kong, a British port, shipped to us by companies organized for that purpose that are under the British flag.

It is said that this measure would be in conflict with the provisions of the Burlingame treaty. It is more in the nature of directions for its better enforcement. If it is in conflict with the treaty it is in conflict with the fifth and sixth sections of that instrument, construed strictly. The avowed purpose of the treaty as a whole is to promote more intimate and friendly relations between the two countries. If the present condition of that immigration is maintained because of the supposed stipulations of these two sections, I insist that we shall soon find that we have broken the compact expressed in every other part of the instrument, which provides for the freedom, immunities, and privileges guaranteed to Chinese subjects here. If we allow vessels sailing from a British port in China to bring over, under a labor-contract system, unlimited numbers of the most degraded and ignorant Chinese men and women, as heretofore, I think that we shall soon reach a point where the law-enforcing, peace-preserving power of the State government of California will be found inadequate to the task set before it. Modification of the existing treaties with China will effect nothing in the British port of Hong-Kong. Besides, treaty-making is a long and tedious process often, and the exigencies of the situation, in my opinion, do not admit of delay. Immediate action is demanded.

"Then the passage of this measure is an admission of our inability to enforce the law of our own country?" asks an opponent of the bill. To a certain extent, I answer, yes. It is difficult indeed under a popular form of government to enforce a law obnoxious to a majority of the people; but when only a feeble minority of one in ten support the law, the other nine antagonizing it, it becomes an impossibility. More than nine in ten of the citizens of California insist upon a restriction of Chinese immigration, and in time a restriction will be placed upon that immigration, let us hope under wise forms of law.

It will be observed that the proposed law is not to go into effect until July 1, 1879. Plenty of time is given our Government to assure the Chinese Emperor that we offer no menace to his government; that what we have done has been dictated only by a sincere desire to avert an evil that could only be reached in this way.

The Chinese government will not make complaint. It did not when Great Britain, under similar treaty stipulations, enacted in her Australian colonies the much harsher law of a *per capita* tax. This produced the desired effect, but was repealed, when the evil of an unrestricted Chinese immigration was again felt, and the law were re-enacted and is now in force.

The six companies of California, those organizations through which the Chinese residents transact their business, are very willing to see the proposed legislation go into effect, believing that it will allay existing excitement and work a sure protection to those of their people already here. They even went so far at one time as to petition Mr. Evans for the placing of a *per capita* tax on each Chinaman landed on our shores.

In support of the validity of such a law as proposed, even if it were in conflict with treaty stipulations, many citations of decisions by courts and opinions of leading lawyers and statesmen can be made. The Digest of Opinions of Leading Cases of International Law, issued by the State Department, refers to the following opinions of Attorney-Generals:

An act of Congress must have effect though inconsistent with a prior treaty. (Florida Claims, 5 Opp.; 333 Crittenden, 1851.)

An act of Congress is as much the supreme law of the land as a treaty, &c. (Ib. 345.)

Under the Constitution treaties as well as statutes are the law of the land, both the one and the other, when not inconsistent with the Constitution, standing upon the same level and being of equal force and validity, &c.

The earlier in date yielding to the latter. (Choctaw Indians, 13 Opp.; 354; Ackerman, 1870. See also 6 Opp. Cushing, 1854, 658 Pre-emption in Kansas.)

Of cases I submit the following: Taylor vs. Morton, 2 Curtis C. C. Reps., 1855; 1 Woolworth C. C. Reps., by Judge Miller, 155, 1867; 11 Wallace, 616, by Justice Swayne, with the Dred Scott case, 19 Howard, by Justice Curtis.

I think there can be no doubt of the relative force and standing of statutes and treaties and that they are equal, the prior in time yielding to the latter.

Of the general power, under the Constitution, of Congress to restrict immigration there can be no doubt. The law of self-preservation is the first law of nations as of nature; and that the people have granted away the power of self-protection and must receive a people who cannot under the laws of the land become citizens seems an absurdity. I believe the restriction of Chinese immigration as constitutional as the quarantine of a fever-infected vessel. The bill does not provide for the return of the Chinamen now here; it imposes no hardships upon them. It contains but the simple provision: that one vessel shall bring but fifteen Chinamen at one voyage, with proper penalties for the violation of the law, which penalties are not imposed upon the Chinamen, but upon the master or owner of the vessel. It is hoped this mild remedy may prove sufficient to check the influx

and remove any fear of future evil results from an unwilling contact of two such dissimilar races.

The opposition in California to this measure comes mainly from men who are large employers of Chinese cheap labor and from those who believe in the patriotic declarations usually indulged in on Independence Day—that America is the asylum of the oppressed and down-trodden of all nations, &c., a doctrine I heartily subscribe to provided the "down-trodden" aforesaid do not tread down, when they come, our own people and render some friendly asylum abroad more desirable than any we can offer. Protection to our own people and to our own interests seems to be our first duty as a nation. Democracy compels an equality of citizenship, and as we have declared that we will no longer tolerate slavery we ought to limit the number of those to whom we dare not extend the rights of citizenship, or who when offered citizenship refuse it and cling with tenacity to a government based on the grossest superstitions and in which there is not a vestige of political liberty.

Money: Its Office and Qualities.

SPEECH OF HON. H. J. B. CUMMINGS, OF IOWA.

IN THE HOUSE OF REPRESENTATIVES,

Monday, January 20, 1879,

On the state of the Union generally.

Mr. CUMMINGS. Mr. Speaker, I confess the remarks I am about to submit are not intended solely for those within hearing of my voice; I hope to reach an audience beyond the walls of this Chamber. In view of the fact that, as I see it, the people have been and are being taught, with an energy worthy the best cause, doctrines most hurtful to them and the country, I may be excused, I trust, for asking the attention of the House.

For the first time in the history of our Government we have a political organization which has adopted a platform of principles resting upon the theory:

1. That a circulating medium which is sufficient to discharge a debt possesses all the qualities of money.
2. That legislation can impart to whatever it declares to be a legal tender all the functions of money.

FALSE THEORY OF MONEY.

Both being based upon the notion that the highest office of money, the most important work it has to do, is that of discharging a debt, and that if it will but do this we need look no further to see what its influence or effects will be upon the business interests of the country. There are many who suppose this to be a new theory, born of the enlightenment of the nineteenth century. Far from it; it is the natural outgrowth of a system of irredeemable currency. There were those in the days of the colonial and continental money who held exactly the same opinion, as will be seen from the remarks I here give of a delegate to the continental congress. Pelatiah Webster tells us that when a bill was pending before that body to establish a regular revenue service, a member rose in his place and thus addressed the House:

Do you think, gentlemen, I will consent to load my constituents with taxes, when we can send to our printer and get a wagon-load of money, one quire of which will pay for the whole.

I propose upon this occasion to address myself to the questions, what is money—its office and qualities; the necessity of constancy in its purchasing power; the evils of a non-convertible currency; and whether the stamp of the Government can confer the functions which properly belong to money.

THE OFFICE OF MONEY.

And first, what is money and what office does it perform in this busy world of ours?

Money—
says Professor Wayland—

is the instrument for *facilitating exchanges*. This, when considered as money, is its only office.

John Stuart Mill says:

In order to understand the manifold functions of a circulating medium there is no better way than to consider what are the principal inconveniences which we should experience if we had not such a medium. * * * The inconveniences of barter are so great that, without some more commodious means of *effecting exchanges*, the division of employments could hardly have been carried to any considerable extent.

Says Henry Fawcett, an English writer of note:

Every country, as it emerges from barbarism into the first stages of civilization, has found it absolutely necessary to select some substance as a *medium of exchange*.

Professor Jevons expresses his opinion in these words:

Modern society could not exist in its present complex form without the means which money constitutes of *valuing, distributing, and contracting for commodities* of various kinds.

Says Mr. Charles A. Mann:

Value is the essential quality of money and everything else is incidental. * * *
* * * The value of a dollar is measured by *what it will buy*.

Professor Newcomb expresses it tersely in these words:

Money has no value except for the thing it will buy. * * * You would not give a fig for a pocketful of dollars if you could only buy a half a fig with them.

Thus we see that the *first* office of money, and the *most important one*—indeed what made necessary its invention—is that of effecting exchanges, and that it may do so it must of necessity be also a standard of value.

Perhaps Professor Jevons defines the functions of money most comprehensively. He says:

It is a medium of exchange.
It is a common measure of value.
It is a standard of value.
It is a store of value.

LEGAL TENDER A MODERN DEVICE.

Remembering the asseverations of this new political party as to the office and end of money, shall we express a surprise that *not one* of these distinguished writers on political economy has seen proper to include "debt paying" as one of the essential functions of money? Is it because that function alone is law-given, all the rest existing without law and having existed before there was a government? Whether or not that be the reason, it is a fact; and it is equally true that the use of money for the compulsory discharge of a debt is comparatively of recent origin. We have authentic history that gold and silver were used as money almost six thousand years ago—almost from the very creation of man—while not till centuries upon centuries later came legal-tender enactments. It may be mentioned as a fact, more significant than remarkable, that in the earlier legal-tender enactments the compulsory character was added to that kind of money only which did not contain an intrinsic value equal to its nominal value. It was not necessary that the law should declare that gold and silver, of honest weight, should be a legal tender. They discharged all the functions of money without it.

NECESSITY OF A LEGAL TENDER.

In view of these facts how can any person or political organization affirm that the debt-paying quality of the circulating medium is its most important function, and that whatever will pay a debt will answer all the purposes of money. Surely if one will but stop a moment to think of the use of money in the billions upon billions of exchanges made by the American people in a single year he will not be rash enough to make such an assertion. May I not affirm it to be a fact, that if that which we use as money contains a value within itself equal to the nominal value given it by law, or is readily convertible into money possessing such value, there would be little if any need of a law providing what may be tendered in payment of debt save to prevent oppression, annoyance, or disputes, the outgrowth of petty quarrels and strife.

Professor Wayland states the necessity of a law declaring what shall be a lawful tender in these words:

If I owe a man for a hat, and when I come to pay him he demand payment, not in silver, but in beaver skins, I may not be able to procure them, and he may hold me his debtor. * * * If I, instead of paying him in silver, offer him leather, and declare I will pay him in nothing else, he will be defrauded out of his due. Now, to prevent disputes without end, it is desirable that something be fixed upon, of which tender shall forever discharge the debtor's obligation.

And this would most naturally and most justly be the substance which all men have chosen for a circulating medium.

With this in view, our patriotic forefathers wrote in the Constitution of our country an inhibition on the power of the several States to make anything but gold and silver a legal tender. Indeed, as is well known, it was outside the Constitution the Supreme Court went to find the authority of the Federal Government to make our present greenback currency a lawful tender.

STABILITY A NECESSARY QUALITY.

The next step in our inquiry naturally is, the importance and office of money being conceded, what qualities should money possess. If the first function, relatively, of money is its exchangeability, purchasing power, and if it be the standard and measure of value, it is manifest that it should be and must be, if injustice be not done, now to debtor and then to creditor, borrowing the words of Mr. Mann,

As invariable as the uncertainty of all things earthly will permit.

The standard of values must not be liable to sudden fluctuation in value; it must be constant. It is because gold and silver have a recognized and fixed value, and are not liable to great or sudden changes in value that they have been chosen by the people of all countries for use as money. Its use as such came from the common consent of the people, not from the statutory enactments of States.

Horace Greeley said:

I hold that money had been created, or recognized by common consent before governments meddled with it—that their interposition in the premises was the recognition of a pre-existing fact.

DOES THE "STAMP" GIVE VALUE?

The fallacy of the age is the assertion that the "stamp of the government" makes money; that is, imparts the characteristics of money. The government may declare what shall be lawful tender, but the purchasing power, the value of money does not depend upon statute law.

Standing in Independence Hall, in Philadelphia, a few weeks ago,

before a collection of currency issued during and after the Revolution, I observed one bill which read as follows, (it was issued by the State of Rhode Island in 1786:)

FIVE SHILLINGS.

This bill is equal to five shillings in lawful silver money, &c.

Does anybody at this day, did anybody in that day, believe that to be true? Was one of these bills the equal of five shillings in lawful silver money? Grant that it would, in Rhode Island, pay the same debt, and was thus far equal, had it the same purchasing power? It is an undisputed fact that soon after their issue one hundred of these paper shillings would not purchase as much as five silver shillings.

Did the government stamp give value, as is claimed, then the money of strong governments would be worth, though containing the same weight of gold or silver, more than that coined by and bearing the stamp of weaker and more unstable governments. If it is the stamp which gives value, then a piece of copper of the size and general appearance of a coin of gold can be made by law as valuable as a gold coin. In the words of Professor Newcomb:

The stamp of the government goes for absolutely nothing except a certificate of the weight and quality of the metal.

Henri Cernuschi, a Parisian economic writer of much celebrity, has said:

The government gives no value to the money. The government adopts a monetary unity, for instance, a dollar, weighing a certain number of grains in gold or silver. When we use the term dollar we mean to say a certain quantity of metal which is received by the citizen in one hand and given out by the other hand: *but the government does not interfere in determining the purchasing power or the value of the dollar.*

The weight of the American gold dollar is 25.8 grains, nine-tenths pure gold. Will any one claim that a gold coin, issued by the Government and called a dollar, and made a legal tender for that amount, containing but half that amount of gold, would be of equal purchasing power? Suppose to that half were added enough base metal to give a coin of exactly the size of the present dollar, would the stamp of the Government, the device impressed upon it, give it the value of the dollar now authorized by law? Yet that is the logic of the assertion that value comes from the stamp of a government. We know that English sovereigns which foreigners have purchased with their goods are constantly melted down abroad into ingots, and are shipped in that condition. Would that be done were the stamped sovereigns worth more than the gold they contain?

WHAT DETERMINES VALUE.

If value comes not by the stamp of the government, the question is pertinent, upon what does the value of gold and silver depend?

John Stuart Mill answers in these words:

Money is a commodity, and its value is determined like that of all other commodities, temporarily by demand and supply, permanently and on the average by cost of production. * * * The ultimate regulator of its value is the cost of production.

Mr. Henry V. Poor, in his valuable work on Money and its Laws, expresses substantially the same opinion:

As the precious metals are always in demand at their cost of production, their value is absolute, depending upon one consideration—cost. That of all other articles is relative, depending upon two conditions, demand and cost.

Mr. Bonamy Price presents it forcibly in this way:

If a copper coin could be obtained from the miners only at the same cost with a gold one, they would both be equally valuable.

Resting, then, upon labor and cost, the precious metals have a value within themselves, and while not absolutely free from fluctuation, yet, perhaps, the freest of any commodity, there can be no better medium of exchange or measure of value than they, or a currency based upon them and convertible into them at pleasure. Stern necessity may compel for a time a deviation from this safe financial basis, but the public weal as sternly demands a return to correct principles at the earliest possible and practicable moment.

INCONSTANCY A NATIONAL CALAMITY.

The most important office of money, before which its simple debt-discharging quality dwarfs into insignificance, being, as I think I have shown, the part it plays in measuring values and in effecting the exchanges of the world, whatever disturbs its fitness for accomplishing this office cannot but seriously derange the public interests. Any form of money—and I now use the word money in a sense broader than heretofore used—that is not stable is lacking in one of the most essential qualities of money.

In the edition of Webster's Dictionary for 1864, a second subdivision under the title *Money*, in these words, is added:

2. Hence any currency usually and lawfully employed in buying and selling as the equivalent of money, as bank bills and the like.

Until then Webster's definition included but the metals and redeemable paper currencies. I now take the word in that broadest signification, and repeat, *any money, metal or paper, redeemable or irredeemable, which is not constant in purchasing power, is most seriously defective.* Need I stop to show how a fluctuating standard works injury, and on whom that injury must fall? It would seem to be an unnecessary waste of time, and would be did not so many of our people fail to realize how great are the evils attendant upon a fluctuating currency.

A fluctuating measure of value has been one of the chief causes of our financial disasters, and its baleful effects have reached our entire people. With every change in the value of the currency either the

debtor or creditor class is wronged; the producer or the consumer, one or the other, or both, must suffer. It deters all classes of business men from entering upon or driving, to the extent it were possible, business enterprises; and laborers find themselves but partially employed or altogether idle.

Mr. Mann, in his work on Paper Money, reaches a similar conclusion. He says:

An inconvertible currency becomes at every fluctuation an instrument of robbery.

A leading writer upon finance has said:

Every stipulated sum which has to be paid with a changing standard is one thing to-day and another thing to-morrow. The creditor or the debtor has been defrauded. There can be but one defense for an inconvertible paper currency—overwhelming necessity. It may have an excusable origin, but its continuance one day longer than the necessity exists is a public calamity.

In a recent address delivered at Chicago a distinguished member of this House [Mr. GARFIELD] drew the picture so forcibly that I must be excused for appropriating his exact words:

No arithmetic can compute the injustice and loss which these fluctuations have inflicted upon the people and business of this country. The chief mischief resulted from two unequal and varying qualities of the greenback as a currency: its debt-paying and its purchasing power. The first was arbitrarily fixed by Congress at one hundred cents on the dollar, but the second was controlled by laws which no human legislation can set aside—the laws of value; and the value of the greenback as a purchasing power suffered all the changes of the market. * * * This difference between its debt-paying power and its purchasing power carried confusion and injustice into every department of business.

During the whole period of decline the creditor was wronged by underpayment, and during the whole period of appreciation the debtor was wronged by being compelled to make overpayment.

During the seventeen years of suspension the payment of every debt inflicted a wrong, either upon the creditor or the debtor, and thus the whole machinery of credit was converted into an engine of injustice. This will always happen when the two functions of currency are of unequal value.

RESUMPTION THE ONLY REMEDY.

To remove this element of fluctuation; to appreciate the depreciated currency of the country; to obviate, at least for future transactions, the wrongs attendant upon a changing standard of values; to make the debt-paying and purchasing power of our money equal, the republican party insisted the only remedy was to return to the specie basis. There were burdens to be borne in this change from an irredeemable to a redeemable basis, but they were inevitable, unless the currency be permitted to remain permanently depreciated and constantly variable, and the American people would never have consented to that; sooner or later uniformity in the value of the different forms of the dollar would have been secured. The question was, Shall we take the burden upon ourselves, or shall we defer it for our children, meanwhile suffering from evils fully as great? Postponement of the day but prolonged the burden and gave no relief.

EVILS OF A FLUCTUATING CURRENCY.

I have not attempted and will not attempt to point out all the evils inseparable from a fluctuating currency. There they are, and their effects will hardly be disputed. The country has suffered from the dread spell they have woven, and no class so severely as the debtor class. Money is always a power, but is still more powerful when its value changes daily. Speculation thrives upon a varying standard of value. Let the change be upward or downward, it is all the same to the speculator. If the tide be downward, he can afford to wait until the bottom is reached, then take advantage of the reaction; if upward, the advantage is his yet.

A fluctuating standard begets an element of gambling into business transactions, fosters a desire for speculation, deludes honest toil from its sturdy and manly work, and breeds a public immorality most dangerous to the public welfare.

Peletiah Webster, a most reliable witness, bears this testimony against the fluctuating, depreciated, inconvertible currency of the Revolution:

It has polluted the equity of our laws, turned them into engines of oppression and wrong, corrupted the justice of our public administrations, destroyed the fortunes of thousands who had the most confidence in it, enervated the trade, husbandry, and manufactures of the country, and went far to destroy the morality of our people.

As before said, it throws a chill over all legitimate enterprises and hangs a pall before the eyes of the deserving man of business. It advances the rate of interest enough to cover any possible depreciation. It adds to the price of all merchandise sold upon a credit. It lowers the price paid for all articles to be resold at a later date, be that date long or short, sufficient to make good any possible loss from the money becoming less valuable. It adds to the price the farmer must pay for what he has to buy and takes from the price of that he has to sell. Fluctuation in the currency is a two-edged sword, cutting him with either edge.

HOW THE FARMER, ESPECIALLY, IS AFFECTED.

I cannot refrain from giving an extract from an address delivered at Omaha, October 1, 1874, by Professor Perry. It will bear repeating:

An inconvertible paper money, always depreciated and always variable, is worse for farmers than almost anybody else; first, on the ground of depreciation; and second, on the ground of its variability. As the value of money goes down, of course general prices tend to rise, but unfortunately they do not all rise equally, nor in equal times; and some prices do not rise at all. For example, manufactured goods are quickest to experience a rise of price owing to the depreciation of the currency. * * * Wages rise much more slowly than goods. * * * and so laborers are always great sufferers from a depreciated money. Real estate rises

slowly and irregularly under such money, and never on the average as high as manufactured goods rise; while agricultural products, some parts of which are exported to foreign countries, scarcely rise in price at all. The reason for this is, the foreign gold price of that part which is exported largely determines the home price of the whole crop. There is only one wholesale price of wheat of the same grade in New York city, whether it is for export or whether it is for home consumption. The gold price in Liverpool determines the currency price in New York just so long as wheat is exported; and the price in New York determines the price in Chicago and Omaha. * * * The whole consequence to farmers of the use of poor money is, that they have to pay a great deal more for all they need to buy, and only get a very little more for all that they have to sell. * * * Farmers always have been and always will be the greatest losers from rag money, partly from the reason I have given, and partly, also, because it takes the farmer almost a year to realize on his crops, and he cannot meanwhile insure himself against the inevitable changes in the currency. * * * He cannot calculate. He is helpless. He is at the mercy of the currency tinkers. * * * Because our paper money is variable in value; because such money always stimulates speculation and hampers productive industry; because it corrupts public morals, undermines honesty, and makes defaulters by destroying the stable standard of values; because it unjustly distributes the rewards of industry and cheats by wholesale the whole farming interests; and because such money has always been followed by these results wherever the experiment has been tried, I do hereby invite all farmers, east and west, north and south, and all other true men, to unite with me in raising a cry that shall pierce the dulled ear of our rulers—an honest cry for an honest dollar.

TO THE REPUBLICAN PARTY BELONGS THE HONOR.

Sensible of the evils, oppression, and wrongs which necessarily follow in the wake of a depreciated and fluctuating currency, the republican party, with a degree of patriotism for which it will ever be honored, in the face of the most unnatural opposition, led in a spirit of demagogism the most unscrupulous and daring, set itself to work to bring the currency of the country out of the depreciated and fluctuating condition into which it had been precipitated as an inevitable consequence of the civil war. It accomplished the work. Resumption came without shock or derangement. The first week of resumption closed with an increase of over one and a half million dollars in gold in the Treasury, despite all predictions to the contrary. To-day the currency of the United States, paper and coin, is of equal worth; to-day it is upon a basis as stable and firm as anything earthly can be. Confidence has been restored, business is adjusting itself to the new situation, and we are on the road to a sure and steady prosperity; and for this the thanks of our whole people are due the republican party, due for the battle it fought and the victory it won. The republican party has built for itself a monument for Wisdom, Fidelity, Honesty, and Patriotism that will be acknowledged in all the years to come.

FIAT STATESMEN.

But what will become of the sages who taught the people that the legislative power can impart all the functions of money to anything upon which its fiat is placed? Their day for this generation must certainly be over. The stern logic of events has left them with this people with their occupation gone. History laughs at the theories they advanced, and history will laugh at the philosophers of to-day who have revived notions exploded over and over again. The years are not many when the disciples of this school will be classed with John Law and visionaries of his stamp.

Every attempt, no matter when and by what people made, to make something out of nothing has proven a failure. Dr. J. G. Holland, in a valuable paper, states the experience of the world whenever the self-evident proposition that value should be measured by value, as length is measured by length and weight by weight, has been departed from. Let me quote from his words:

There is no power on earth that can legislate value into paper. * * * The markets of the world settle the value of merchandise. We may legislate that every bushel of wheat shall be worth five dollars, but our legislation will not have the slightest effect upon the price. * * * Money cannot be so made that a man can get something for nothing. It cannot be so made that he can get it for less than the market price in labor. The idea that it can be so made is a delusion and snare of the devil, or a demagogue, who is his most obedient servant.

A REST NEEDED IN LEGISLATION.

The country having now reached the solid basis of coin, the depreciation in our currency having been removed, fluctuation having been banished from our standard of value, what more shall be done? Is more needed now? Is it not wiser that we should cease tinkering with the currency? Shall we not bid good bye to the evils of experimental legislation? Shall we longer torment the country with apprehension of a change in the financial policy of the Government? It has been well said "known mischiefs have their cure, but doubts have none." Shall we not give the country a rest, and business time to adjust itself to the new condition of things? And shall we not resist with all possible determination any legislation which may tend to bring disquiet, unsettle values, or jeopardize the maintenance of specie resumption, reached after so long and through so many tribulations? Shall we not cry a halt until it be demonstrated that additional legislation is unquestionably needed?

It is a matter of profound regret, for the reasons given and others that might be named, that the democratic party, which as a party and for a partisan purpose has so persistently thrown every obstacle in the way of reaching resumption, should now, for no higher end, insist that Congress shall continue legislating upon the currency and shall at this critical period begin the work of destroying the moneyed institutions of the country. The time may come, and soon, when radical changes will not only be well, but wise; but it is not now. Now the business of the country needs time that it may take a clear and unobstructed view of the situation; may ascertain precisely the wants and necessities of the present and future, that with new impetus and vigor it may fill its old channel, and more, giving employment to

the unemployed, creating a demand for the products of farm and factory and shop, that the drooping energies of our people may be revived, and we, as a nation and people, step out into the broad sunlight of national and individual prosperity.

He who would obstruct the consummation of this greatly to be desired end is not the friend of his country or his countrymen.

Chinese Immigration.

SPEECH OF HON. H. D. MONEY,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 28, 1879,

On the bill (H. R. No. 3423) to restrict the immigration of Chinese to the United States.

Mr. MONEY. Mr. Speaker, the importance of this question is realized by very few and cannot be overestimated. It involves questions of national law, of international law, and national honor, and it presses for a solution. However indifferent gentlemen may be whose homes, society, and business interests are three thousand miles away from the locality of the evil complained of, yet to one State of this Union it is a matter of most vital and completely absorbing interest. It has subordinated every other question; both political parties, and all classes of citizens, by common consent forego the discussion of any other matter than that which has some bearing upon this, to them, dreadful evil.

The people of the whole Pacific coast have banded together with the fervid enthusiasm of the crusaders to protect themselves from heathen invasion. They know that five short weeks will close the labors of this Congress. They look intently to us for relief; and they feel that human endurance cannot brook the nine months' delay of the relief they seek. It is not a question of competition between Chinese and Caucasian labor, but of the substitution of one for the other. It is not a question of the assimilation of the yellow and the white races, but of one supplanting the other; whether Christianity or Buddhism shall govern the consciences of the people beyond the mountains; whether the advanced civilization of the most advanced race on earth shall give way to a civilization, corrupt, effete, and enervating; whether the principles of republican liberty or those of a slavish despotism shall determine the local polity of the fairest land within the broad borders of our realm. The question is without precedent in our political history. It was entirely unexpected a few years ago, and must receive a prompt and vigorous treatment that could hardly have been anticipated or could have been provided for.

To know something of the Chinese and their country—of their character at home as citizens, and abroad as colonists—is important in this connection, and while not presuming the House to be ignorant of all information on this subject, it will not be deemed improper for me to bring to their attention some few facts that bear upon the matter in debate.

The Chinese Empire has an area of 5,300,000 square miles, while the United States has only 3,300,000. The population of China is estimated at 400,000,000, of which number 177,000,000 are crowded into 210,000 square miles of territory, called the "great plain." The testimony of travelers, from the earliest to the latest, accord the Chinese a low moral character; while they differ as to the cause, they are unanimous as to the fact. Some attribute it to their ignorance of any religion that directs their devotions to any power higher than they themselves can aspire to be; some to a monotonous oppression, which represses individuality and pride of character; and some to the dense population which makes the struggle for subsistence too sharp for honesty, and begets personal habits that are vicious and degrading.

Sir John Bowring says of them, "little moral disgrace attaches to insincerity and untruthfulness;" and that he receives "with distrust any statement by a Chinaman when his smallest interest would be promoted by falsehood."

Martin says that "the Chinese character is proverbially deceitful, full of moral apothegms not carried into practice;" that the drowning of female infants is quite common; that no disgrace is attached to it, although the governor of Canton issued a proclamation against it.

Mr. Abeel, a missionary, says:

In the district of Amoy, 39 per cent. of the female infants are destroyed; in some towns, 80 per cent.; in half the towns, 50 per cent.

Some travelers represent prostitution as a dishonorable profession; while others assert that it is a respectable calling, just below the actor and just above the lawyer.

Their highest virtue is filial respect and affection for parents. Their religious and political education teaches the highest veneration for the things of the past. They have a contempt for everything of modern origin, and their tritest maxim, that whatever was not taught by the ancients is unfit to be learned, is the severest enemy to their progress. Their most remarkable characteristic, considering their

population and extent of territory, is an unchanging uniformity of mind, not to be affected by the varying circumstances of time or place, making the Chinaman in America, Australia, or the Indian Archipelago the mechanical counterpart of the Chinese at home. They have for thousands of years lived under the same form of government, a stupendous patriarchy, which unites in its head all legislative as well as executive power, and enforces subjection, not by armies nor the assistance of an aristocracy, but by universal espionage, by the surveillance of every man upon his neighbor, and by a common responsibility which makes all the inhabitants of a village partners in suffering for the crimes of one, thus infusing general distrust and abject submission.

This enforced habit of centuries has become a race instinct, and prepares us to receive without surprise the story of the conquest of these multiplied millions by single armies of Mongols and Tartars, and even a handful of Manteboos. Without personal courage, they are yet indifferent to death; without a sense of perjury, true to business engagements; without affection for their government, yet with a strong local attachment for the country of their birth. These, briefly, are the salient points of the Chinese at home.

As a colonist he shows no change. He differs from all other emigrants in this, that, driven from home by necessity, he never abandons the intention to return; he carries with him and preserves his religion, his language, his diet, his personal habits, his costume, his tribunals of justice. He has no adaptability to the customs of other people; he cannot assimilate with the white race. He never acquires that "common interest" which Vattel says is necessary to identify the citizen with the state.

In Siam, where they number one-half of the whole population, although they have married Siamese women, yet according to Sir John Bowring they are as a community isolated from the Siamese. Having the same religion as the Buddhists, they worship in different temples; have their business signs in Chinese; carry on trade in Chinese, and never learn to write the Siamese language.

In Batavia, upon Stockdale's visit to Java, in 1831, they numbered about one hundred thousand, and though they paid taxes to the Dutch yet they had a governor of their own nation, who had six lieutenants, collected taxes, and who had his flag as the standard of his authority. Medhurst tells us that—

Settling down in Borneo, they banded together after their custom; disputed the supremacy of the European authorities, and carried on a war until a treaty of peace gave them possession of a rich province.

They despise justice administered by any but themselves, and a trial of right between them in a foreign court is appealed to their own secret tribunals. The extent of Chinese emigration is little understood or appreciated, and cannot be attributed so much to enterprise as to the imperative, ruling necessity of depleting an overpopulation. China sends out her millions as a hive does swarms, caring as little for their fate. More mouths than bread; human life cheaper than food. This is the edict of banishment from their native land. A wonderfully increasing progeny ever drives them outward for a resting-place. "They have crossed the wall, the desert, and the ocean, pouring forth their hordes east, west, north, and south, occupying the waste lands of Tartary, colonizing Thibet, Barmah, Cambodia, and Siam, and basking under fostering care of European governments, in the islands of the Malayan Archipelago." * * * Emigration goes on in spite of disabilities and restrictions."

Dr. Medhurst further says:

If the same causes continue to operate there seems nothing to prevent the Chinese from crowding into the British possessions in Hindostan. * * * They have already their hundreds of thousands in Siam, and will soon occupy Barmah, Pegu, and Assam, and what should hinder them from pushing to New Holland? A nation increasing as does the Chinese cannot long be confined within the narrow bounds, and restriction with them is impossible. Hunger cannot be controlled, and "necessity knows no law." Let but another age roll by and China double her population once more, and her very increase will break down her political barriers and bring her myriads in contact with the Christian world.

This prediction of forty years ago is finding its fulfillment. The population of China in 1753 was 102,000,000; now it is 400,000,000; and China is the great colonizing nation of the earth. Famine last year destroyed in Northern China 10,000,000 of human lives. Had this famine prevailed in the eastern or southern provinces our western shores would have been deluged by a wave of immigration that would have threatened the very landmarks of our civilization. It is well to bear in mind that those who have come to our coast have come from a single district, embarking at the British port of Hong-Kong.

Our Chinese commerce has established a steam-ferry across the Pacific, and as it increases, its facilities for transportation increase. The carrying capacity of a single steamship is five thousand human souls, and in a few years, at the present ratio, a half million of Chinamen can be placed in San Francisco in a single year—a half million of people annually, ignorant of our political institutions, with no desire to learn. It seems almost incredible that twenty years ago the first Chinaman was received in California with every manifestation of satisfaction and approval; in his brawn and muscle was recognized a potent factor in every industrial problem, and by him we were to subjugate the wilderness to our use. Now the little cloud, no bigger than a man's hand, whose rising was hailed with rejoicing, has overcast the heavens and darkened the air with the apprehension of disaster. We are but repeating in California, with wonderful exactness,

the experience of other lands with the Chinese immigrant, and the desperate attempt of California to divert impending danger is a reproduction of the struggle in the Dutch, French, Spanish and English possessions. The British colonies in Australasia have passed laws, excessively onerous and oppressive, restricting immigration.

The Dutch in Batavia levy taxes not only heavy but insulting—a tax not only upon the Chinaman's head, but on his finger-nails, and on his cue, graduated according to its length, and the Chinamen are increasing in spite of it. The Dutch cut the Gordian knot by a general massacre. The French in the city of Saigon endeavored to shut them out by legislation. In Formosa the trouble with the Chinese is endless, and their presence begets the same restlessness that it does elsewhere. At Manila such a hatred and distrust sprang up between the Spaniards and the Chinese colonists that it resulted in the wholesale destruction of the latter. Immigration instead of being retarded, was stimulated to such a degree that in thirty years they exceeded their former numbers, when another massacre reduced them from 33,000 to 7,000. A heavy capitation tax was then levied, yet in spite of all this they so increased that the Spaniards, in fear of them, banished them from the island and suspended trade with China.

The facts, Mr. Speaker, evidencing the tenacity with which this strange people retain a foot-hold once secured on foreign shores, give us emphatic warning of the difficulty of the task before us. The fact that the great mass return, and that they send back the bones of their dead in order that they may be worshiped in their ancestral halls, has made some forgetful of this fact, that though the individual may let go, yet the race holds on. When one returns to come to take his place, and coming and going in an unbroken stream they are an endless chain-pump, emptying the fountains of our wealth. If we had an assurance that they would go back, their presence would be more tolerable, but their history in other countries shows that at last they become fixed upon the soil, a foreign and exclusive element in our body-politic, with unlimited capacity for augmentation.

It is conceded by both parties to this question that the labor of the Chinese has been exceedingly valuable to the Pacific coast, counting only its material results. But the labor of their hands cannot compensate for the loss of thousands of white immigrants that it has excluded from its field of operation. In considering this question, Mr. Speaker, there is a necessity for a fair and candid statement. I would not, if I were able, have anything but the calm and dispassionate judgment of this House, acting under the very highest sense of public duty. Christian nations are responsible for breaking down the barrier of Chinese exclusiveness. The active energy of commercial enterprise would not permit the self-isolation of a nation that held in its vast stores the possibilities of gainful trade.

The blame or praise of our intercourse cannot be attributed to the Chinese. In spite of contempt and insult, by diplomacy and by force the European nations have opened the five ports to commerce and at the same time the sluice-way of the floods of Chinese immigration. The Chinese were not only invited, they were compelled into relationship with the white family of nations. They are on our soil by virtue of a treaty anxiously sought and solemnly ratified. Under this treaty they have rights which it is our honorable duty as a great nation to protect. The Chinaman has not received that treatment which he could naturally expect of the people who claim a higher standard of moral principle, a more elevated religion, and a more enlightened civilization than his own. That he has not received this treatment, that the Californians have followed in the footsteps of the English, French, Dutch, Spanish, and Portuguese under the same circumstances, is a fact that may challenge our attention, and shows conclusively that the trouble is deep-seated and dangerous. He must be protected and vindicated in his rights. But his right under the treaty is not the question in the bill presented by the committee.

It has been asserted that whatever may be the evil of Chinese immigration, it cannot be avoided except by modification of the treaty and to this work, only that power which executed the treaty is competent; that it is a matter exclusively for the Executive, by the advice and consent of the Senate, and that the legislative department can constitutionally hold no jurisdiction. This is so manifestly an error that proof would seem hardly necessary, were not the error so strongly insisted on. The Constitution and treaties and act of Congress under it are the supreme law of the land. No supremacy is given by the Constitution to either one of these two laws over the other. It has been held repeatedly that a law of Congress can supersede a treaty if inconsistent, or *vice versa*. (See Foster and Elam *vs.* Neilson, 2 Peters, 314; 8 Blatchford, Circuit Court Report, 309.)

Justice Woodruff says:

The legislative department of this Government may pass any law it pleases, (if it is otherwise constitutional,) notwithstanding it conflicts, and notwithstanding to whatever degree greater or less it conflicts, with an existing treaty with a foreign nation.

Justice Curtis says, in Taylor *vs.* Morton, 2 Curtis:

There is therefore nothing in the mere fact that a treaty is a law which would prevent Congress from repealing, unless it is somewhat distinguishable from other laws. Ordinarily the power to make and the power to repeal reside in the same person, but not necessarily. The King of England, in virtue of his prerogative, could make laws for the colonies, but the Parliament could modify or repeal; and the President and two-thirds of the Senate make treaties. If the power to modify or repeal exists in no other person then a treaty law can only be modified with the consent of a foreign power, which would leave this country at the will of a foreign power. This would be inconsistent with sovereignty.

In the Dred Scott case, while insisting that treaty stipulations should be kept with good faith, Justice Curtis repeats his opinion quoted in the case above. The same opinion was substantially repeated by Justice Swayne in the Cherokee tobacco case, 11 Wallace, 616. It was also affirmed in 1 Walworth, 155. There are many other decisions of the Supreme Court and opinions of Attorneys-General of the same tenor.

In addition to this, Congress has repealed and modified treaties and settled the precedent. The United States is the only power that has ever made a treaty a part of its municipal law. It could not have been intended to make the law irrevocable, and it would not be a logical conclusion that a law made by the Executive and two-thirds of the Senate could not be repealed by the action of the House, the Senate, and the Executive.

Mr. Speaker, I have quoted upon this point more amply than I should have done but for the necessity of making it clear that the power does reside in Congress to apply the remedy asked for by the bill under consideration. This being settled, the next step is to determine the necessity and policy of legislative action in the manner and for the purposes contemplated. That nothing has been done up to this time is certainly not the fault of those most interested. California has petitioned and memorialized the Government time and again, through her Legislature and by her Senators and Representatives, and she is indignant and amazed that her prayers have been treated with such indifference.

For several sessions of Congress petition after petition has been presented and bill after bill introduced expressing her urgent desire for action, and they have been pigeon-holed in committee-rooms, until the second session of this Congress a resolution was passed earnestly inviting the attention of the Executive to a modification of the treaty, that some relief of the evil complained of might be effected. This resolution has been treated with most culpable indifference, and more than six months elapsed before any motion was made that has come to the public notice, and then the Executive showed little purpose to hasten the consummation so devoutly wished. The supineness of the Executive in a matter of such vital importance to so many people, to whole States and Territories, together with the exigency of the situation, forces Congress to take the matter in charge.

In this connection it would be well for gentlemen to know not only the serious character of the danger, but also the attitude of California in this regard. Heretofore she has spoken through her public journals, her churches, her associations, comprising all classes of her citizens; through her Legislature, Senators, and Representatives, all speaking with one accord and no uncertain voice the language of petition. Finding no relief she has called a constitutional convention and gives utterance to her wishes in the highest expression possible to a sovereign State. This constitutional convention, called together to revise their organic law, address the Senate and House of Representatives in a memorial whose grave and dignified language I beg gentlemen to read and reflect upon. While it reproaches the Government for failing in its duty, it yet expresses a devotion to the national Union and its confidence that an appropriate remedy will be granted against the wrong they suffer. The elevated and solemn tone of this memorial rises almost to the grave dignity of a demand for an ultimatum.

It is useless to urge the value of Chinese labor. No American can possibly understand that better or appreciate it more than the Californians. By actual experiment they know its capacity and value. They are a practical people and not prone to deny themselves advantages. While the testimony taken before the joint congressional committee in 1876 is conflicting, I am perfectly willing to trust the judgment of those best cognizant of the facts and most interested in the issue. It is enough for me that California has spoken. I accept her decision. She knows what she wants and what is for her own good. It has been urged elsewhere that we have invited the whole world to come to our land to enjoy our natural advantages and the blessings of free institutions. It has been our boast that America was the asylum for the oppressed and weary of all the earth.

Such has been the letter of our invitation, but I do not propose for one to sacrifice the welfare of this country to a sentiment. Statesmanship is practical; it is not a science, with fixed rules, which invariably work the same results. What has been good in the past is not necessarily the best that may be done in the future. The best that can be done is to deal with subjects as they arise, according to their circumstances. Self-preservation is the first law of nations and of nature, and the highest duty of a government is to its own citizens; to protect them in life, liberty, and property it was organized; without the power or inclination to do this it is worse than useless, it is tyrannical and odious, or contemptible. The Chinese who are here we must protect, but those who are to come are no concern of ours, except to prevent their coming.

Ours is not the duty to furnish an asylum or extend a welcome to immigrants from other lands if their presence should prove unpleasant or injurious to our own people. The Chinaman is here as an alien resident. He neither claims nor desires citizenship. He is an irritant and an offense, and why he is so it is not for us to discuss, but whether he is so; and ascertaining the fact, to provide against an increase of evil, not that he may be damaged or retarded in his pursuit of happiness, but for the protection of those who have a claim upon our care. As an alien resident, he threatens to mass upon our Pacific

coast an element uncongenial, incompatible, non-assimilative to our race. His continued residence and augmenting numbers increase the complication of the situation. If vested with the ballot for his protection, it is probable that, governed by secret associations, he will carry into effect his own ideas of government. But he is not a voter, nor can he be except by change of our naturalization laws. Nor, recollecting the facts I have stated, is it desirable that he should be. Perhaps the greatest evil of his presence is that he occupies the place that would be better filled by immigrants from the Caucasian nation.

In consequence of personal habits fixed by ages of usage, and his small demand for comforts that are indispensable to the white race, and unencumbered by women and children, he is able to work for wages totally inadequate to the support of the white laborer and his family. Thus unable to compete, the white immigrant is driven to other States and other nations, and California loses material useful in her growth and development. The people who come in our midst, children of the same family of nations with ourselves, who intend to become part of us, to learn our language and our customs, who have wives and little ones to be absorbed in our population, must give way for the accommodation of the alien resident.

Besides, Mr. Speaker, this Government in its organization was intended for white people. Its invitation is to white people. By the admixture of the several nations of the Caucasian race we have the grandest people on the face of the earth. Each new infusion of blood energizes and quickens. It is claimed by the Declaration of Independence that all men are free and equal. This cannot be taken in its broadest sense. If we pour the light of the writer's intention upon his text, the negro was not included because he was in a state of bondage. In the opinion of the civilized world he was a subject for capture and appropriation; he was a chattel. At that day, as Chief-Justice Taney said, "he had no rights that a white man was bound to respect." This country, Great Britain, and other nations in Europe, were engaged in the slave-trade. To become a citizen of the Government individual rights must be surrendered. The negro had no individual rights. The Constitution recognized him as property and fixed a gulf between the races. Following the law of the colonies, the yellow race were unknown and could not have been included. The naturalization laws made by men, framers of the Constitution and their contemporaries, limited naturalization to "free white persons being alien."

Provision was made in organizing the Union of the thirteen States for admitting Canada and Ireland as States of the Union. The policy of the Government has been to extend a cordial welcome to every immigrant of our race. It required an amendment to the Constitution to admit the negro into citizenship. I say it without unkindness that if our four and a half millions of black people were in Africa no one would wish them here as citizens. Of all the evil possibilities of the future none is so dreadful as the mongrelization and deterioration of this people. When to be a Roman citizen was prouder than to be a king the Roman people were full of heroic virtues, but universal citizenship marked the decline of her civil and military glory and wrote decay and death upon her "proud walls for a memorial." We are having trouble enough with another unassimilative race, the Indian. The wrongs he has received at our hands, the treaties we have broken and disregarded with him, are infinitely worse than any action we can take toward the Chinese.

No nation can complain of us in any action we may take. Guided by desire to promote the welfare of our citizens, and of the means to secure this, we only have the right of judgment. Kindness and generosity to another must not jeopardize or conflict with our own interest. The laboring people, Mr. Speaker, while all classes are interested, are most vitally concerned in our discussion of this question. "Protection" has been fixed upon the policy of this Government in the name of labor, but really in the interest of capital. Now, capital and labor alike demand protection for labor. Can the gentlemen who advocate protection turn a deaf ear to the laborer's cry of distress, mock at his calamity, and laugh when his fear cometh? California has attempted by her State legislation to protect herself, but her laws have been put down as unconstitutional. If we disregard her constitution, her last chance for a peaceful remedy is gone. Labor will not suffer always. Its mutterings have already been heard in the land "like an earthquake smacking its mumbling jaws over some well-peopled city." It turns uneasily upon its bed of torture, and like the blind giant will rise and smite in its wrath if its cry is not heeded.

Mr. Speaker, justice to our citizens of the Pacific slope has been already too long deferred. A republican administration either cannot appreciate or is else indifferent to the gravity of the situation, and California looks to us. It is true Congress has no right to do an injury to its own people; then it is a correlative that it has no right to leave undone whatever may prevent an injury. I have studied this case by the light of history; I see that history repeating itself. I have no prejudice against the Chinese, and I believe this bill is an act of kindness to them. With the highest respect for the people of California, they are but creatures, subject to like passions and impulses of other men. Goaded by neglect of the Government of their interests and safety, impelled by the instinct of self-preservation, it is possible that in some furious, unhappy moment they might resort to methods of redress that would blot our annals, and which we have the power to avert. That land of marvels, wealth, and beauty is in dispute for its

possession. The white and yellow races meet face to face. The thousands from Eastern States and from Europe reinforce the ranks of the one, and the myriads of Asia swell the ranks of the other. If we should fail in legislation that would give a lawful and peaceful judgment and there should be no heroic arbitrament by the people themselves, can we feel assured that the courage, the energy, and other heroic qualities of the Caucasian may not in time be outdone by the patient endurance, the cunning, the persistence, and the numbers of the Mongolians.

Territory of Oklahoma.

SPEECH OF HON. D. B. CULBERSON, OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

Monday, January 29, 1879,

On the bill to provide for the organization of the Territory of Oklahoma.

Mr. CULBERSON. Mr. Speaker, this bill provides a territorial government for the "Indian Territory," and is similar in details to the laws usually passed by Congress for such purposes. This Territory is now occupied by many tribes and fragments of tribes of Indians, but in what I shall say of this proposed legislation reference will be had mainly to the five great tribes who now reside within that Territory, namely, the Choctaws, Cherokees, Creeks, Chickasaws, and Seminoles. The number of Choctaws is estimated at 14,000; Cherokees at 13,500; Creeks, 9,000; Chickasaws, 4,000; Seminoles, 4,000. The aggregate population of these tribes is 44,500, and constitutes the bulk of the population of the Indian Territory. These tribes are called the civilized tribes, and were the first that settled in this Indian country. It is proposed by this bill to extend over the whole Indian Territory a government, and subject to its control all persons who reside in the Territory.

The only questions to which I shall ask attention are embraced in the consideration whether it would be just and expedient to pass this bill in respect to the rights of the tribes named and the policy of the Government heretofore pursued toward them.

I understand, sir, that each of the tribes to which I have referred (and the same may be said of all the other tribes and parts of tribes) which inhabit this Territory maintains a local self-government for the protection of life, liberty, and property. Four of them have a written code of laws.

These Indian governments were organized by each tribe after the manner of our State governments; and the laws which are enacted from time to time are executed with promptness and firmness. The tribal relations, manners, and customs are all preserved, and for many years these Indian tribes have lived and prospered under these local governments, in full recognition of all the departments of the Government of the United States. The Federal court at Fort Smith, in the State of Arkansas, has criminal jurisdiction over the entire Indian Territory.

The proposition contained in this proposed legislation is in effect to overthrow these local governments, abolish the distinctions preserved between the tribes, destroy the customs, habits, and usages of government which heretofore have existed and been preserved by Indian law, and subject all of the Indians to a territorial government deriving its authority from Congress.

The Indians are no longer to govern themselves by laws enacted by Indian councils, but in the future must be controlled by a government not of their choice.

These results must follow the establishment of a territorial government over the Indian country, because it would be impossible for the Indian governments to exist, with the distinct and peculiar tribal customs and laws of each tribe preserved, within the jurisdiction of the government now proposed to be established.

It may be, sir, that these "Indian governments" are not models of statesmanship, and in many respects fall short of that degree of American excellence claimed for our different State governments; and it is altogether probable that, when a Legislature is organized for this Territory under this bill, the enterprising gentlemen who in the mean time will have settled in this Territory for the purpose of holding office and reaping other advantages which may follow the establishment of this government will repudiate the simplicity of Indian law and government.

The question, sir, is not whether the Indian governments are crude and simple, and even inadequate to meet the requirements of what we may suppose to be the wants of the Indians, but is it just to the Indians embraced by these five tribes to destroy their governments, obliterate the distinctions existing between the tribes, and put an end to the usages, customs, and tribal relations which have existed so long among them without their consent and against their earnest protest? Before Congress undertakes to assert a power doubted by some, in view of existing treaties, to establish this government, it will inquire into the expediency of exercising such power and whether it will be violative of the provisions of solemn treaties and the terms of express

contracts made between this Government and these five civilized tribes.

Mr. Chairman, by what right do these tribes inhabit this Territory and extend over such sections of it as may be occupied by each tribe the local government laws, usages, and customs peculiar to such tribe? I answer that the title by which the tribes mentioned hold their respective sections of country in this territory is the highest known to American law. It has been said, and I suppose correctly, that the Indians of this country originally were not the owners of the lands occupied by them, but that the true tenure by which they held lands was simply a right of occupancy, the fee being in the sovereignty of the soil, and that such right of occupancy was transmissible by grant or the subject of acquisition by conquest.

All the departments of this Government, from its foundation, have recognized the different Indian tribes inhabiting this country as nations in that sense which authorized the treaty-making power of the Government to negotiate with them.

Treaties have been made with them from time to time, and no doubt has been expressed by either of the departments of the Government as to the power exercised by the treaty-making authority, but on the contrary the judicial department has affirmed the legality of such exercise of power. The right of occupancy, the same being the tenure by which the Indians originally held lands in this country, is a burden or servitude upon the fee, which resides in the Government, and such a title to lands may be the subject of negotiations between the tribe rightfully claiming such title and the Government of the United States acting under the treaty-making power. The Government may purchase such title, and the tribe may convey it—and it matters not what may be the consideration. Lands may be conveyed to the Indians in fee or otherwise in exchange for or in extinguishment of their claims upon other lands, and all the departments of the Government will be bound by such a treaty lawfully made. It is not within the power of Congress to annul or impair such a grant.

I do not undertake to say that the treaty-making power of the Government can annul the sovereignty of the United States over any part of their territorial domain. We are prepared now to inquire by what right or tenure the five great tribes of which I am speaking hold the lands occupied by them in this Territory. I shall maintain, sir, that each of those tribes accepted the lands on which they now reside in part consideration for the sale and transfer by them of their right and claim to lands east of the Mississippi River to the Government of the United States, and that these lands were accepted by these tribes upon the assurance of the authorities of the Government that each tribe should be allowed to govern itself by a local domestic government of its own choice, made in accordance with the custom and tribal usages of each tribe respectively. It will be admitted that the laws of the United States extend over the Territory. Congress has already vested in the Federal court for the western district of Arkansas criminal jurisdiction over this Territory, and it is contemplated by the treaties made with these tribes that courts may be established within the Territory for the purpose of enforcing the laws of the United States.

It is not necessary now to inquire whether circumstances may not arise which would authorize Congress to resume complete and entire control and jurisdiction over the Indians within this Territory. I desire now briefly to call your attention to the evidence of the right of the Indians to the lands within this Territory, and the guarantee or assurance given by the Government that each tribe would be allowed to govern itself by a government of its own choice.

President Jackson, in order to facilitate the extinguishment of the Indian title of occupancy to certain lands east of the Mississippi River, made the following recommendation to Congress as a means of effecting this end, the removal of the Five Nations from the States east of the Mississippi River:

I suggest for your consideration the propriety of setting apart an ample district west of the Mississippi and without the limits of any State or Territory now formed, to be guaranteed to the Indian tribes as long as they shall occupy it, each tribe having a distinct control over the portion designated for its use. There they may be secured in governments of their own choice, subject to no other control than such as may be necessary to preserve peace on the frontier and between the several tribes.

In accordance with the policy recommended by the President, Congress passed an act on the 28th of May, 1830, from which I make the following extracts:

Be it enacted, &c. That it shall and may be lawful for the President of the United States to cause so much of any territory belonging to the United States, west of the Mississippi River, not included in any State or organized Territory, and to which the Indian title has been extinguished, as he may judge necessary, to be divided into a suitable number of districts for the reception of such tribes or nation as may choose to exchange the lands where they now reside, and remove there; and to cause each of said districts to be so described, by natural or artificial marks as to be easily distinguished from every other.

Section 3 of this act provides that—

The President of the United States in making exchanges of lands with the Indian tribes shall assure the tribe or nation with which the exchange is made that the United States will forever secure and guarantee to them and their heirs or successors the country so exchanged with them, and if they prefer it that the United States will cause a patent or grant to be made and executed to them for the same: *Provided always*, That such lands shall revert to the United States if the Indians become extinct or abandon the same.

The section of country authorized to be set apart was at once surveyed, and the boundaries thereof marked and defined, and is the same now known as the Indian Nation.

As soon as the act of 1830 was passed steps were taken by the Government to induce the five tribes of which I am speaking to surrender the title by which they held the lands east of the Mississippi River in exchange for the lands in this Territory. It may be said that the Indians never willingly entered into this exchange, and were removed from their lands east of the Mississippi River by the superior power of this Government. It would be useless to review this subject now. The picture which truth might draw from the transactions of that day would not be disadvantageous to the Indians. But however all this may be, the Government cannot profit by any such claim since the treaties were duly signed and, in several instances, patents executed and delivered.

I beg now to call attention to several of these treaties and patents. The first one of the treaties to which I direct the attention of the House is that which was entered into at Dancing Rabbit between this Government and the Choctaw Nation. By this treaty the Choctaw Nation ceded the lands claimed by them east of the Mississippi River in exchange for that section of the Indian Territory now inhabited by them.

The second article of the treaty provides that—

The United States, under a grant specially to be made by the President of the United States, shall cause to be conveyed to the Choctaw Nation a tract of country west of the Mississippi River in fee simple to them and their descendants, to inure to them while they shall exist as a nation and live on it; beginning at Fort Smith where the Arkansas boundary crosses the Arkansas River.

(Here follows the boundary of the lands to be conveyed by letters-patent to the Choctaw Nation.)

The patent referred to was subsequently executed and delivered. On the 14th of February, 1833, a treaty was concluded between the western Cherokees and the commissioners on behalf of the Government. By the terms of this treaty, this section of the Cherokee tribe ceded their lands in Arkansas to the Government in exchange for the lands now occupied by them in the Indian country. I call attention to the first article of that treaty. Article I is in these words, to wit:

The United States agree to possess the Cherokees and to guarantee it to them forever, and that guarantee is hereby pledged, of seven millions of acres of land, to be bounded as follows:

(Here follows a description of boundary.)

After which it is further stipulated that—

In addition to the seven millions of acres of land thus provided for and bounded, the United States further guarantee to the Cherokee Nation a perpetual outlet west, and a free and unmolested use of all the country lying west of the western boundary of said seven millions of acres as far west as the sovereignty of the United States and their right of same extends: *Provided, however*, That if the saline or salt plain on the great western prairie shall fall within said limits prescribed for said outlet, the right is reserved to the United States to permit other tribes of red men to get salt on said plain in common with the Cherokees, and letters-patent shall be issued by the United States as soon as practicable for the land hereby guaranteed.

This treaty was in perfect harmony with the act of May 28, 1830, and was precedent to the more important treaty concluded with the Eastern Nation of Cherokees of "New Echota," within the territorial limits of the State of Georgia, on the 29th day of December, 1835. By the first article of this treaty the Cherokee Nation relinquished all their right and title to their lands as a nation east of the Mississippi River. By the second article they acquired a joint interest with the western Cherokees in the country guaranteed to them by the treaty of 1833, and also 800,000 acres additional, and a perfect title to the whole. The preamble of this treaty deserves especial notice at this time. It begins with the following declaration:

Whereas the Cherokees are anxious to make some arrangements with the Government of the United States whereby the difficulties they have experienced by a residence within the settled part of the United States under the jurisdiction and laws of the State governments may be terminated and adjusted, and with a view to reuniting their people in one body and securing a permanent home for themselves and their posterity in the country selected by their forefathers, without the territorial limits of the State sovereignties, and where they can establish and enjoy a government of their choice and perpetuate such a state of society as may be most consonant with their views, habits, and conditions, as may tend to their individual comfort and their advancement in civilization: Therefore the following articles of a treaty are agreed upon, &c.

Article 2, defining the cession made by the United States to the Cherokee Nation in conformity with the act of May, 1830, is in these words:

Whereas by the treaty of May 6, 1824, and the supplementary treaty thereto of February 14, 1833, with the Cherokees west of the Mississippi River the United States guaranteed and secured to be conveyed by patent to the Cherokee Nation of Indians the following tract of country, (boundary described,) making seven millions of acres of land, thus provided for and bounded, the United States further guarantee to the Cherokee Nation a perpetual outlet west, and a free and unmolested use of all the country west of the western boundary of said seven millions of acres, as far west as the sovereignty of the United States and their right extend.

* * * And letters-patent shall be issued by the United States as soon as practicable for the land hereby guaranteed. And whereas it is apprehended by the Cherokees that in the above cession there is not contained a sufficient quantity of land for the accommodation of the whole nation on their removal west of the Mississippi, the United States, in consideration of the sum of \$50,000 therefor, hereby covenant and agree to convey to the said Indians and their descendants by patent in fee-simple the following additional tract of land, * * * estimated to contain 800,000 acres; and the United States further agree [see article 3.] that the lands above ceded [to the Cherokee Nation] by the treaty of February 14, 1833, including the outlet and those ceded by the treaty, shall all be included in one patent executed to the Cherokee Nation of Indians by the President of the United States according to the provisions of the act of May 28, 1830.

This patent was executed by President Van Buren the 31st day of December, 1838, two copies thereof being made, one for the Cherokee

Nation and the other for the General Land Office. The granting clause is in the words following:

Therefore, in execution of the agreement and stipulations contained in the said general treaties, the United States have given and granted, and by these presents do give and grant, unto the said Cherokee Nation the two tracts of land so surveyed and hereinafter described, containing in the whole 14,374,135.14 acres, to have and to hold the same, together with all the rights, privileges, and appurtenances thereunto belonging, to the said Cherokee Nation forever, subject, however, to the rights of the United States to permit other tribes of red men to get salt on the salt plain on the western prairie referred to in the second article of the treaty of the 29th of December, 1835; which salt plain has been ascertained to be within the limits prescribed for the outlet agreed to be granted by said article, and subject also to all the other rights reserved to the United States in and by the articles hereinafter recited, to the extent and in the manner in which the said rights are so reserved, and subject also to the condition provided by the act of Congress of the 29th day of May, 1830, referred to in the above-recited third article, and which condition is that the lands hereby granted shall revert to the United States if the said Cherokee Nation becomes extinct or abandon the same.

In testimony whereof I, Martin Van Buren, President of the United States of America, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the city of Washington, the 31st day of December, in the year of our Lord 1838, and of the Independence of the United States the sixty-third.

By the President.

M. VAN BUREN.

H. M. GARLAND,
Recorder of the General Land Office.

February 14, 1833, Fort Gibson, (now in the Indian Territory.)

For the same reasons recited in the preamble quoted of the Cherokee treaty the Creek Nation disposed of to the United States all their interests east of the Mississippi River for a home in the West, with a perfect title, to be secured by patent, as provided in the treaty (third article) and in conformity with the act of May 28, 1830. August 11, 1852, the patent was issued to the Creek Nation and is now matter of record in the Indian Office, Department of the Interior.

The Seminole Nation being an offshoot of the Creek Nation were embraced in the Creek treaty referred to and are protected by the Creek patent, as were the Chickasaws by the Choctaw treaty of Dancing Rabbit and the patent issued to the Choctaw Nation in pursuance thereof. These two smaller nations were removed and settled with their respective kindred, but have since secured separate rights as distinct nations, by consent of the Creek and Choctaw Nations, who have conveyed to these nations, with the concurrence of the United States, portions of their patented lands.

Mr. Speaker, by reference to the recommendation of President Jackson, the act of 1830, and the extracts from the treaties and patents to which I have called attention, it will most clearly appear that the Indians were induced to accept the lands in this Territory in lieu of lands claimed by them in the States east of the Mississippi River by two considerations, namely, "the acquisition of a complete and perfect title to the lands accepted and the assurance that each of the tribes would be secured in governments of their own choice, subject to no other control from the United States than such as might become necessary to preserve peace on the frontier and between the several tribes."

President Jackson, for whom the Indians of that day and generation entertained the highest respect, had declared such to be the object of securing this vast section outside of the limits of the States.

Sir, who can fail to see after reading the treaty with the Cherokees, the considerations which induced that nation to accept these lands, and when we view the other treaties in the light of the Cherokee treaty and the object of the acquisition of the Territory there will be as little doubt as to the considerations which induced the four other tribes to accept these lands.

It was as well known in 1830 that the Indians could not live among white men as it is known now. Whenever and wherever these two races have been brought into contact the Indian has yielded, always sacrificing his property, surrendering it to the superior genius of the white man.

The leading idea which controlled the Indians in removing from their homes east of the Mississippi River was the prospect of securing entire freedom from the government of white men and contact with them.

The lands they surrendered were as fertile and far more desirable than those acquired, and besides they had been the homes of their ancestors for generations, and those who know the Indian best can well appreciate the reluctance with which he abandoned the rivers and woods of his ancestry. But these lands had been surrounded by the white man; he had pressed into and upon them; civilization, as it was called, had driven away the game, felled the timber, opened farms, built churches and school-houses upon them, and over all extended government and law unknown to Indians.

These tribes have occupied this Territory for forty years, and during all that time have governed themselves. Government of their own choice; rulers of their own selection; laws passed by Indians; tribal relations, usages, and customs have been in existence in this Indian Territory all that time, and no one has been heard to say that such exercise of domestic government was contrary to law and without the recognition of this Government until certain railroad companies secured the right of way over this Territory with immense land grants contingent upon the extinguishment of the Indian title or the assent thereto of the Indians, which they have failed to secure.

By reference to the revised treaties with these Indians in 1866, which

were made necessary in consequence of the results of the war, it will be seen that the rights of the Indians were not abridged by the provisions of the revised treaties, but, on the contrary, the Government expressly recognized the existence of the domestic Indian governments within the Territory, and provided for a national council, to be composed of representatives from the different tribes; thus enlarging instead of lessening the governmental privileges of the Indians.

The provisions of the revised treaties made with these five tribes especially, in 1866, contemplate legislation by Congress in respect to the establishment of courts within the Territory for the better administration of justice and the protection of life and property; but in every one of the treaties it was carefully provided that such legislation should not in any manner interfere with or annul the tribal organizations or their respective legislatures, or judiciaries, or the rights, laws, privileges, and customs of the tribes respectively. I call attention to the following extracts from the treaties of 1866.

The seventh article of said treaty stipulates that—

The Choctaws and Chickasaws agree to such legislation as Congress and the President of the United States may deem necessary for the better administration of justice and the protection of the rights of person and property within the Indian Territory: *Provided, however*, Such legislation shall not in any wise interfere with or annul their present tribal organization, or their respective legislatures or judiciaries, or the rights, laws, privileges, or customs of the Choctaw or Chickasaw Nations respectively.

The seventh article of the Seminole treaty of 1866 stipulates that—

The Seminole Nation agrees to such legislation as Congress and the President may deem necessary for the better administration of the rights of person and property within the Indian Territory: *Provided, however*, That said legislation shall not in any manner interfere with or annul their present tribal organization, rights, laws, privileges and customs.

The tenth article of the Creek treaty of 1866 stipulates that—

The Creeks agree to such legislation as Congress and the President of the United States may deem necessary for the better administration of justice and the protection of the rights of person and property within the Indian Territory: *Provided, however*, That said legislation shall not in any manner interfere with or annul their present tribal organizations, rights, laws, privileges, and customs.

The thirteenth article of the Cherokee treaty of July 19, 1866, stipulates that—

The Cherokees also agree that a court or courts may be established by the United States in said Territory, with such jurisdiction and organized in such manner as may be prescribed by law: *Provided*, That the judicial tribunals of the nation shall be allowed to retain exclusive jurisdiction in all civil and criminal cases arising within their country in which members of the nation, by nativity or adoption, shall be the only parties, or where the cause of action shall arise in the Cherokee Nation, except as otherwise provided in this treaty.

The seventh section of the tenth article of the Creek treaty of 1866 stipulates that—

The Creeks also agree that a court or courts may be established in such Territory, with such jurisdiction and organized in such manner as Congress may by law provide.

It is said, sir, that the treaties originally made with these tribes, except perhaps the treaty made with the Cherokees, had no stipulation in respect to the assurance that each tribe would be allowed to organize and maintain governments of their own choice, and it has been said that whatever of obligation the Government may have assumed to secure the Cherokee tribe in a government of its own choice, no such obligation was assumed as to either of the other tribes. I have endeavored to show that such assumption ought not to be indulged in the face of the recommendation made to Congress by President Jackson, the act of Congress of May, 1830, the provisions of the original treaties, and the uniform exercise of the right by these tribes for forty years.

If any other argument is needed to show that the Indians accepted lands within this Territory upon such an assurance of freedom from the Government of white men, the treaties of 1866 furnish it, as the extracts which I have read abundantly show. The Government and these tribes alike, as parties to these several treaties made in 1866, understood the true relation of the Indians within this Territory to the Government of the United States, and while it was provided that Congress might enact such laws as it may deem necessary for the better protection of the rights of persons and property within the Territory, it was carefully provided that such legislation should not in any manner interfere with the local governments of the respective tribes.

All the legislation of Congress in respect to these tribes as well as the treaties made with them has been based upon the humane and just policy of providing the surest means of promoting the civilization of the Indians.

It was deemed best by President Jackson that they should be provided with homes outside the limits of any State, where, free from contact with white men, they might live under governments of their own choice. The law-making power of the Government and the treaty-making power have since that time maintained the same policy. While the Constitution and the laws extend over the Territory it has been the policy of the Government to allow the Indians to regulate their own domestic affairs as the surest means of advancing the Indians in habits and methods of peace and in the arts and virtues of civilization. Such a policy does not contravene the Constitution or the laws. There are no inhabitants within this Territory who have the right to demand of Congress the establishment of a territorial government except the Indians. White men have no rights in this Territory except such as may be granted by the Indians, and if they have settled within the Territory by the consent of the tribe

on whose land they reside, upon conditions that they would conform themselves to the existing institutions of the tribes, they ought not to be heard now to complain.

I come now to inquire if there are reasons strong enough to induce Congress to enact such a measure as is proposed by this bill, which, if passed, in effect and substantially repudiates the ancient policy of the Government toward these tribes and violates the provisions of all the treaties with them.

The advocates of the bill surely present the strongest reasons which in their opinion exist. I have heard but three reasons urged for this extraordinary legislation, namely:

First, it is said that crime and lawlessness exist in this Territory to such an extent that humanity demands of Congress the passage of the bill.

Second, it is said that this Territory as now controlled constitutes a barrier to civilization and contributes nothing to augment the commerce of the country.

Third, that the introduction of railroads into the Territory has caused a large amount of property and a limited number of white people to be transferred to the Territory along the lines of railway, and no sufficient government exists for the protection of life and property.

I propose, sir, to examine these reasons briefly, and as to the first reason presented I have to say that one who comes from the section which I have the honor to represent in part is justified in viewing with suspicion an argument in favor of any proposition based upon the alleged existence of lawlessness and crime. Under the hue and cry of false humanity we have seen communities crushed and even State governments overthrown.

The falsely alleged existence of lawlessness and crime has furnished the pretext, within our time, for the gravest abuses to the rights of individuals, communities, States, and even the nation itself. We bear the same cry now in respect to the Indians, and the danger is that well-meaning men will not pause to investigate the truth of such charges. I think myself, sir, that too much crime exists everywhere. There is, doubtless, an average of crime for all sections of our country discreditable to the civilization of the age and the forces of education and Christianity.

The criminal statistics of the country will show that there are localities, which are supposed to be in the very blaze and glamour of civilization, education, and Christianity, in which crime is more prevalent and atrocious than in the Indian Territory. The charges are greatly in excess of the truth, as all may see who will examine the reports of the officers of the several tribes.

But, sir, if it be true that additional legislation is needed for the better protection of life and property within this Territory the treaties provide how such legislation should be had. If humanity for the Indian or white men, if a desire to suppress lawlessness and crime inspires the advocacy of this measure, the object would better be attained by providing more tribunals for the enforcement of law and order in this Territory.

The passage of this bill would not accomplish the object of its friends, if in charity we are to suppose they are actuated by a sincere desire to improve the morals of the people who inhabit this Territory; for, sir, the creation of a territorial government over these tribes will increase crime and lawlessness, and it will in my opinion convert a peaceable and orderly people into a turbulent, dissatisfied, and revengeful population. The introduction of white men into this Territory, with their laws and customs, will not fail to produce a serious condition of affairs. The Indian and the white man cannot live together in peace, and the advent of white men into that Territory will be the signal for strife and crime.

As to the second and third reasons which are urged by the friends of the bill: if it be conceded that this Territory is unproductive and furnishes but little to the commerce of the country, how will this bill, if it should become a law, operate to change the character of the Territory from an unproductive to a fruitful and productive section?

The reason why it is unproductive now, it is claimed, is because the Indians will not cultivate the soil, and it is said that if the industry and enterprise of the white people had an opportunity to develop the resources of the Territory it would contribute largely to swell the volume of commerce. Now, that may be all true, and yet after you pass this bill the same difficulty will present itself. The Indians own the lands in common. They cannot be sold, and hence you will have a government organized over a Territory into which a white man by law is not permitted to go, and certainly not to purchase lands. While our friends who advocate this measure involve themselves in such contradiction, they do not propose to rest under the inconsistency for a great length of time.

They are well aware that if legislation stops with this measure their object cannot be attained. Unless some future legislation shall authorize the partition of the lands now held in common by the tribes among the individual members of each tribe, it will be impossible for white men lawfully to secure homes in the Territory. This is well understood, and therefore every bill which has been introduced into Congress upon this subject, inspired by whatever of the best motives they may have been, contained provisions looking to the ultimate partition of the lands. The bill referred to the committee, and for which this is a substitute, contained such provisions. The passage

of this measure will necessarily lead to other legislation, and the result will be shown in the acquisition of these lands by white men and the enforced removal and displacement of the Indians.

Those who suppose that the advocates of this measure will be satisfied when they have obtained a territorial government over this Territory will find themselves mistaken. Those outside of Congress who are clamoring for this legislation are not impelled by humane motives toward the Indian, nor are they beset by any desire to ameliorate the governmental condition of the Indians. What they desire is spoils. They covet the rich and fertile plains of this Territory. They admire its climate, and altogether regard it as too desirable to be appropriated solely to the Indians. If these men are allowed to enter this Territory under the authority of a law like the one now proposed, they will create a necessity to divide these lands, *per capita*, among the Indians, in order that rapacity may gather by piece-meal that which cannot be taken in whole. It may be that some additional legislation is necessary in order to more effectually suppress crime and enforce due respect to the rights of person and property in the Indian country or nation.

The introduction of railroads into the Territory has carried with them numerous white men, officers and employes of the companies who reside on the lands ceded by the Indians to these companies for railroad purposes. Property of various kinds has necessarily followed the railroads into the Territory, and the anomalous condition of the mixed affairs of the Territory doubtless renders some legislation necessary and proper, and besides this view of the matter, sir, it may be added that the altered state of affairs in this Territory since the completion of the railroads through it has provoked aggressions upon the rights of the Indians and consequent crime, and I am inclined to think that additional legislation in the direction of affording a better Federal judicial system for the Territory would not be improper.

But, Mr. Speaker, while I concede this much I am not prepared to admit that this Territory is either a "barrier" to civilization or that it is a "disgrace" to the country on account of the prevalence of crime among the Indians.

So far as white men are concerned, it is true that they are not permitted to settle in this Territory except upon permission of the tribe in whose jurisdiction they may propose to reside. The art, industry, and enterprise of the white race are therefore denied an opportunity to develop the great resources of that country for the production of agricultural products. The Indians freely gave assent to the right of way for railroads over the Territory.

Commerce is not interfered with, but facilitated. While the Territory has been reserved from settlement by whites, it has not failed to contribute largely to the civilization of the age, the economy of the Government, and the prosperity of the whole country.

The immediate occupation of this Territory by the five great tribes gave to the Government undisturbed possession of a far greater area of land than is embraced in the limits of the Indian Territory. It closed the distressing and expensive Indian wars which ravaged the fairest section of the South. It formed a nucleus of Indian civilization around which have been gathered parts of thirty other tribes of Indians and which will in time gather into this country all the Indians on the borders, unless the whole or a part of this Territory shall be given up to the greed of railroad companies and the restless enterprise of capital.

The dedication of this Territory to Indian purposes has afforded an opportunity for all the tribes which have or may settle there to abandon the habits of savage life and become tillers of the soil. The rapid advancement of the Indians in the arts of civilization and in all that tends to elevate them to a plane above barbarity is worthy of the highest commendation, and indicates the humanity and the wisdom of the policy in respect to this Territory inaugurated by President Jackson, and, besides that, illustrates the impolicy of subjecting Indians to the arbitrary rules of a horde of agents, who steal and misappropriate the bounties of the Government intended to advance them in the practice of the habits of civilized life. The area of land devoted to cultivation increases every year, and every agricultural product that is raised in the neighboring States is produced in sufficient abundance to supply the wants of all in the Territory. Live-stock of all kinds are reared in excess of domestic demands. There are over two hundred common schools and ten high schools in the Territory. Over six thousand children attend the schools. Nearly all the tribes have abandoned the barbaric religion professed for generations among them and have embraced the religion of the Bible.

There are more church-houses, a greater number of Sunday-schools, and more children attend them than in any other Territory of the United States, without regard to population. The traffic in ardent spirits, to which may be traced three-fourths of all the crimes and sorrows of civilized life, is absolutely forbidden within the limits of this Territory. There are crimes committed there as elsewhere, but they are confined to that class of offenses in which manhood meets manhood on terms of equality. Such crimes as are born of fraud or spring from the educated wickedness of highly civilized life are unknown among them.

Who can estimate, sir, the immense advantages which have resulted to the Indians from the policy which has obtained in respect to this Territory? Is it not, Mr. Speaker, a matter of pride to the American legislator, an honor to the Government of the United States, and an

object of sincere congratulation among philanthropists that over fifty thousand Indians have been reclaimed from barbarism and are now co-workers in extending over the remnants of the wild and savage tribes the influence of peace and Christianity and by precept and example teaching them the ways of civilized life?

If the vicious system which now prevails in the conduct of Indian affairs outside of the relations of these five great tribes could be changed by law, and the uncivilized Indians remitted to the guardianship of a system possessing the power to coerce obedience and the disposition to treat them fairly and honestly, we might reasonably hope to see far greater advantages springing from the influence of these five great tribes upon their less favored kindred.

If, therefore, Mr. Speaker, it be true that this insignificant section of our vast domain has been reserved from settlement and ceded to the Indians in part, as I have shown, and if it be true that in this Territory the higher capabilities, arts, enterprise, and industry of the white man are denied an opportunity to develop the great resources of the soil, to swell the bulk of production and increase the volume of commerce, the results already attained and in prospect from the service to which it had been dedicated are far grander and nobler in the scales of humanity and civilization than any which could have resulted from such a policy as is now advocated by the friends of this measure.

Material wealth and prosperity, national and individual, are objects worthy the enterprise of freemen; but they should be sought with a becoming respect to the rights of all. Surely the remorseless greed of railway companies and the aggressive enterprise of American capital can afford to leave this Territory unravished, dedicated as it is to a humane and noble purpose.

I do not believe, sir, that Congress is ready to destroy this Indian asylum and nursery of Indian civilization. Humanity and the best interests of the country enter their solemn protests against it, and the States on the border of that Territory remonstrate against a policy which must end in converting a peaceful people, growing in all the arts which distinguish civilized men from the savage, into a turbulent, wandering, and revengeful population.

In this connection it may be proper to say, in reply to allusions which have been made in reference to the locality from which objections to this bill spring, that gentlemen entirely mistake the motive which inspires these objections, so far as I am concerned. It is said or intimated that opposition is made to this measure because if the Territory is opened for settlement the tide of immigration which is now setting strongly toward Texas will be arrested by the more inviting prospect presented by this Territory.

I need not stop to say that this intimation discloses the object of this legislation, and shows that it is contemplated that immigration will turn toward this section as one of the incidents of this measure, and thereby the Indians are to be displaced. It may be true that some such effect on immigration will be produced, but it can hardly be supposed that it will materially lessen the number of that class of immigrants which is desirable. Texas is willing to stand upon its merits and can afford to compete with any State or Territory for the honest and industrious immigrant without the advantage of the barrier now presented by the Indian Territory. But, sir, while, as I have shown, the passage of this measure will be unjust to the Indians, it can hardly be less unjust to Texas. That State borders upon the Indian Territory for many hundreds of miles. We are at peace with these Indians. Indeed the relations between these tribes and the people of Texas who live along that border have always been peaceful. The people of Texas desire that these relations should not be disturbed.

It is well known that the northwestern portion of Texas has been for many years subjected to raids from what is known as uncivilized tribes upon reservations in the western portion of the Indian country. These raids have in the main resulted from the vicious rule of Indian agents; but, happily for our State and for the whole country, these raids and incursions have to a great extent ceased to occur. I believe that if this measure and those which are kindred to it shall become laws and this Territory made subject to settlement by white people it will simply be a question of time as to the displacement of these five great tribes from the lands now occupied by them and their enforced removal toward the west.

Those who think this can be effected peaceably do not understand Indian character. It will breed the most disastrous Indian wars which have afflicted this country since their removal from their eastern homes. The result may be certainly estimated. They will not be able to cope with your power. The tribes will be broken and dispersed. They cannot come to the East, and all the States which lie east of the Territory may, with safety to their peace, contemplate the result; but the vast exposed western lands of Texas will furnish the camping ground for such of these great tribes as may escape destruction in a vain and futile effort to defend their homes. It is in view of such results that I enter here my solemn protest against the legislation which is proposed by the advocates of this bill, and trust that the time may soon come when the Indians within this Territory may rest in peace from the apprehension that Congress will permit a violation of the treaties and the solemn assurances of the Government in respect to their right to the undisturbed occupancy of this Territory.

Education the Corner-Stone of the Republic.

SPEECH OF HON. GEORGE B. LORING, OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, January 23, 1879.

The House being in Committee of the Whole and having under consideration the bill (H. R. No. 3542) to apply the proceeds of the sales of public lands to the education of the people—

Mr. LORING said:

Mr. CHAIRMAN: I congratulate myself that I now have an opportunity of advocating a question of education before the House in which every State of this Union, North and South, East and West, is equally interested and over which there cannot possibly be a sectional controversy. The necessity for education and the demand for it exist everywhere in this Republic. When the question which we are now discussing was brought before an assemblage of educators, representing nearly every State in the Union, last winter in this city and the necessities of the various States were alluded to, I remarked with somewhat of State pride perhaps, that the Commonwealth of Massachusetts was so well supplied with a school fund that no necessity existed for any draft upon the proceeds of the sales of public lands for her benefit; and that, as one of her citizens, I should be quite inclined to give her share to the more needy communities in our country. But the secretary of the board of education from that Commonwealth, an intelligent, able, and accomplished gentleman, rose instantly in his place and reminded me that Massachusetts even could not be possessed of too large an educational fund within her borders and that the county of Berkshire—and I ask the gentleman from New York [Mr. TOWNSEND] who seems to fear that bill is for the benefit of one portion of this Union and who insists upon it that every State has a right to be as ignorant as it has a mind to be—that the county of Berkshire was especially in need of any educational funds that could be provided by the General Government.

Now, sir, the town of Hancock is in the county of Berkshire, and the gentleman from New York [Mr. TOWNSEND] is a native of the town of Hancock, and I am proud and happy to say a son of the old Commonwealth which I represent. I hope, therefore, he will remember the condition of his native county, and will favorably consider the suggestion made by the secretary of the board of education of the State of Massachusetts as applicable not only to his own birthplace, but to every other section of this Union where the people are in need of education and of support for their common schools.

It is not only because this bill covers the entire country that I advocate it, but because it is in entire accordance with the policy of this country from the day when our fathers landed here until this very hour, and because I feel and you all feel as they felt, that education lies at the very foundation of the perpetuity and safety of our institutions.

These public lands, how came they ours? By occupation, by conquest, by gift, and by purchase. By occupation, when our fathers landed on these shores and dedicated this continent to the cause of popular freedom, religion, and education as a sacred trust. By conquest, when our victorious arms were carried by a victorious people into that contest which resulted in adding to our vast domain the immense resources of the Pacific coast and gave the protection of our flag to an intelligent and thriving people who found prosperity and peace under its ample folds. By gift, when the State of Virginia, desiring to extend the power of the Republic which she had done so much to establish, bestowed with unequalled bounty and unparalleled liberality her immense northwestern territorial possessions upon the Federal Union, and furnished that vast area out of which some of the most powerful and prosperous and controlling States have been carved. By purchase, when the remotest corner of our northwestern possessions was enlarged by the addition of the great timber lands of Alaska and the wealth of the neighboring islands.

These lands acquired in these various ways have always been used freely and liberally for the benefit of the whole country, for the improvement and strengthening of the people in their educational privileges and material interests. It would be difficult to count the acres which have been bestowed upon those great public enterprises which have done so much to develop our resources, to increase our wealth, and to bring the most widely separated sections of our land into immediate and convenient proximity. The State governments and the National Government seem to have vied with each other in this form of encouragement to their industrial operations. And having liberally performed this service, they have turned their attention with unbounded liberality to the cause of education in every form.

From our very infancy as a people we have gone on in every way giving the world to understand that to all those great causes which make our people strong and powerful as a nation these public lands shall be devoted. In the early colonial days the act of organizing and establishing a town was attended by legislative enactments which provided the common schools with a landed foundation and decreed that every town should support an orthodox minister, who should

divide his time between his people, his meeting-house, and his farm, which was considered as a part of the means of his subsistence. Upon colleges and academies, as well as upon the system of common schools, was this aid bestowed. And when the Republic came into existence it received as a rich legacy this plan of endowment, and the institutions of learning which were founded upon it throughout our land. And so, as State after State has come into this Union, the customary gift of the sixteenth section in every township, for the support of schools within the same, has formed a part of the act of organization. The amount of land thus bestowed amounts to 95,737,714 acres, including the lands that have been bestowed upon the common schools, seminaries, colleges of agriculture, and the mechanic arts, Indian schools, and academies. Of these acres the common schools received 67,982,880 acres; seminaries, 1,082,880 acres; agricultural colleges, 9,600,000 acres; common schools and academies in Tennessee, 200,000 acres; and for Indian schools in Mississippi, 34,560 acres; while the special grants, internal improvement grants, and the swamp and overflowed lands bestowed on education by State action, so far as known, amounted to nearly 17,000,000 acres; and yet it will be found that even with this liberal, general, and local endowment, the cause of education has not everywhere prospered. The business of supplying the schools with funds and of keeping alive the interest in education seems to require now, as it always has done, constant vigilance and incessant effort.

In most of the Northern States even, whose educational organization is as perfect as may be, the pressure of adverse circumstances has recently reduced the amount appropriated for schools and other institutions of learning to a very considerable extent. In the Southern States, where the trials have been greater still, the condition of educational organization is by no means encouraging. To the careful observer it must be evident that at no time in the history of our country have our schools stood in greater need of the fostering care of the Government than now, if we include in our survey every section of our land. The system of industrial schools founded by Federal endowment is by no means perfected, and the earnest appeal from many impoverished States for encouragement and aid indicates the deplorable condition into which the educational systems of those States have fallen. It is to remedy both these difficulties that the bill now before us has been reported by the committee to whom it was referred. For the support of such industrial colleges as have been or may hereafter be endowed, the bill makes ample provision. And it is proposed to distribute the remainder of the funds derived from public lands for the benefit of common schools in proportion to the number of persons contained in each who, being over ten years of age, cannot read and write. In order, Mr. Chairman, that the committee may judge of the fairness and justice of this mode of distribution, I will give the percentage of illiterates ten years of age and over in the total population, of the same age, both sexes and all classes in the various States of the Union, in order that gentlemen conversant with the condition of our country may judge for themselves of the manner in which the benefits to be derived from the bill will be distributed among the people:

States.	Percent- age.	States.	Percent- age.
Alabama.....	54.19	California.....	7.37
Arkansas.....	30.02	Connecticut.....	6.75
Delaware.....	24.95	Illinois.....	7.38
Florida.....	54.76	Iowa.....	5.45
Georgia.....	56.06	Maine.....	3.86
Kentucky.....	35.71	Minnesota.....	7.99
Louisiana.....	52.46	New Hampshire.....	3.81
Maryland.....	23.55	New Jersey.....	8.03
Mississippi.....	53.91	New York.....	7.08
North Carolina.....	51.67	Ohio.....	8.86
South Carolina.....	57.64	Oregon.....	6.84
Tennessee.....	40.94	Pennsylvania.....	8.56
Texas.....	38.82	Vermont.....	6.84
Virginia.....	50.10	Wisconsin.....	7.38
Average.....	45.27	Average.....	6.98

Now, sir, it must be evident from these figures that those States which have the largest percentage of illiteracy are the least able to provide the remedy, and that in those States which in point of property are best able to take care of themselves the necessity for outside aid in the work of education is the least. The cause of this I do not care to discuss; it arises from facts and events which are beyond our reach and which, connected as they are with the great problem of state and society on this continent, appeal to us with irresistible force. There are States in this Union which, according to the statements of the most philanthropic and best informed of their citizens, are totally unable to support a common-school system. Loaded down with illiteracy, they have not the means of removing it. And it must be evident to every man that simple justice demands a remedy in proportion to the evil.

Does any one doubt that we should endeavor in every way to remove this evil? It may be, sir, that I have manifested in this House too zealous a devotion to the education of the people, too strong a regard for those institutions of learning which lying at the foundation give strength and permanency to our civil structure. But as I look

about me and survey the sources of our social and political trials on the one hand and the causes of our prosperity on the other, I am taught to believe that our strength and happiness are governed largely by our popular intelligence. I have great faith in universal suffrage as the right of a free people; but I survey with great anxiety the dangers which must attend an expression of the popular will at the ballot-box in a community darkened by ignorance and unaided by the light of education. The evils which exist in any State or any section of our country can only be removed by the popular will expressed in those halls in which the laws are made for the preservation and protection of society. You may enforce obedience by the strong arm of magistracy; you may check crime and subdue disorder by official force, but you can only remove crime and disorder by elevating the public mind to a standard of intelligence which will make virtue attractive and attainable.

In the great crises that fall upon a country, in which the popular heart is stirred by great necessities and great impulses, the people may rise spontaneously to the imposing occasion and perform their duty faithfully as it were by a divine instinct. But when the crisis is passed and the deliberate work of organizing society in accordance with its new duties and responsibilities begins, then it is that the way must be pointed out by cultivated leaders to an intelligent and thoughtful people. We have passed through many trials in this country, many controversies in which our very existence has been threatened; but in no one of them all has there been a greater necessity for deliberate judgment and popular understanding than in that which rests upon us now. We are laboring for a republic in which all the various powers of government, both State and national, must be carefully weighed; in which the preservation of national integrity and honor is not only an abstract duty, but an imperative necessity; in which the exercise of every individual right must be fully and fairly enjoyed; in which prejudice must be laid aside, and "equal and exact justice" must prevail; in which the humblest citizen can feel that in person, in property, and in privilege he is secure.

It is not an hour of zeal and enthusiasm, but an hour of calm, deliberate, intelligent endeavor—an hour in which the people can only discharge their duty wisely and faithfully by a careful consideration of the problem before them. I do not expect to see the controversies of our time suddenly ended, or the issues which have divided us suddenly removed, or the heated passions suddenly quenched; but I do expect to see all these retire before the broad and comprehensive judgment of minds enlightened and hearts liberalized by education. I have the most profound and implicit faith in the strength of popular institutions based on popular rights. I have the most profound admiration for the attitude in which our country now stands in respect of those rights. Whatever may have been the experience of the past, the great convulsive events of our own immediate present have brought us face to face with the practical working of a government in which all men are equal before the law. And I cannot believe that there is any man or any body of men who desire to obstruct the passage of our Government on to the consummation of the work which has been begun. Neither our material interests nor our moral and mental elevation can be benefited by neglect of this public duty or by placing obstacles in its way. The power which inspired our fathers to comprehend and strike for the doctrines of human freedom, will enable us to preserve and magnify the civil institutions which they transmitted to us. For this object I would preserve and protect and cherish the cause of education everywhere in our land. I would plant the system of common schools, and make them the objects of special public endowment, knowing well that a people who have drunk at these lesser fountains of good learning will inevitably provide for those higher institutions which send forth into our public service the cultivated and thoughtful men who rouse and guide the popular mind, who have pointed the way to national greatness in the past, and will continue to do so in the future, if as a free people we are to prevail. If in the exercise of this faith in the power of education to preserve and protect us, I may exhibit a broader charity and a larger liberality than seems to be consistent with the severer justice and harder economy of those who have had long experience in the public service, I cannot forget that they themselves owe to the training of the schools that moral integrity and mental accomplishment which enable them to do their work so watchfully and so well. I would not forget the demands made upon us by justice and economy or the obligations which we are under to protect the property of our citizens and make the burdens of government as light as possible; but I would appeal to their generosity and charity in the cause of education—a cause which really unites us as one people and may elevate us above the controversies of sections and parties into the atmosphere of broad and enlightened patriotism. So much, sir, for the moral obligations which I conceive belong to this question.

Now, sir, while I am governed by all these obligations, I hold my mind free to recognize also the force of the objections which have been brought against this bill by those who are interested in home-stead and pre-emption laws, in the arid lands, in the right and development of the States, and in the care of the public Treasury. We were told long ago that this was a "new departure," the "adoption of a new policy;" that "ever since there have been public schools in any State of the Union those public schools have relied wholly on State support and State appropriations," and that "never before has

a direct attempt been made to go to the Treasury of the United States and take out money and parcel it among the several States for educational purposes." Can it be possible that gentlemen have forgotten the history of educational endowment in this country? The policy proposed by this bill is by no means a new one. As I have said before, money in the shape of lands or the proceeds of the sale of public lands has been bestowed upon education from the earliest days of the Republic until now. In the ordinance of 1787 it was declared that "religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall be forever encouraged," and that to promote this object, "lot No. 16 in each township or fractional part of a township shall be given perpetually for the purposes contained in the said ordinance; * * * not more than two complete townships shall be given perpetually for the purposes of a university, to be laid off by the purchaser or purchasers as near the center as may be, so that the same may be of good land, to be applied to the intended object by the Legislature of the State." In all the acts from 1803 downward organizing the new Territories, the same provision was made for popular education, and in disposing of the lands of the United States Congress invariably made a reservation similar to that contained in the ordinance of 1787. After the year 1848 the amount thus reserved was doubled. The policy pursued toward the Territories was pursued also toward most of the States as one after another they were admitted into the Union, and for common schools and universities the new States received at their birth a liberal gift for education from the Government that brought them into existence. In many instances in which lands have been thus granted the proceeds of their sales have been set apart for the benefit of free schools. To the States of Alabama, Arkansas, Illinois, Indiana, Louisiana, Michigan, Mississippi, and Missouri five hundred thousand acres of land were granted for internal improvements by the act of September 4, 1841, and in very many instances these lands and the proceeds of their sales have been dedicated to the cause of education. It is hardly necessary to remind gentlemen of the act of 1862, by which each State then in the Union received large land grants for the endowment of colleges of agriculture and the mechanic arts, an act under which ninety-six hundred thousand acres of land, worth to the Government perhaps \$4,000,000, were granted to the several States.

The policy, moreover, of bestowing the proceeds of the sales of public lands out of the Treasury upon the various States for the cause of good learning is by no manner of means new. To the State of Illinois, and I quote the act as a specimen of many similar ones, the grant was made in the following terms:

SECTION 1. *Be it enacted, &c.,* That the Secretary of the Treasury shall, from time to time and whenever the quarterly accounts of public moneys of the several land offices shall be settled, pay 3 per cent. of the net proceeds of the lands of the United States lying within the State of Illinois, which since the 1st day of January, 1819, have been or hereafter may be sold by the United States, after deducting all expenses incidental to the same, to such person or persons as may be authorized by the Legislature of said State to receive the same, which sums thus paid shall be applied to the encouragement of learning within said State in conformity to the provisions on this subject contained in the act entitled "An act to enable the people of the Illinois Territory to form a constitution and State government and for the admission of such State into the Union on an equal footing with the original States," approved April 18, 1818, and to no other purpose; and an annual account of the application of the same shall be transmitted to the Secretary of the Treasury by such officer of the State as the Legislature thereof shall direct; and in default of such return being made the Secretary of the Treasury is hereby required to withhold the payment of any sums that may then be due or which may thereafter become due until a return shall be made as herein required.

Approved December 12, 1820.

Under this law Illinois received in forty-eight years more than \$700,000. But not to Illinois alone were these donations made out of the Treasury of the United States for the benefit of education. Up to 1872 Florida had received \$28,098; Wisconsin to 1875 had received \$195,423; to 1874 Iowa had received \$630,627; Oregon to 1876 had received \$25,927; Kansas to 1876 had received \$53,626; Nebraska to 1876 had received \$113,591; Nevada to 1874 had received \$3,648. In addition to this, it cannot be supposed that the forty-eight million acres of swamp lands granted to many of the States for educational purposes were of no money value to recipients of this liberal bounty. Since the war the General Government has bestowed \$3,711,225.47 in aid of colored schools in the various States where these schools existed; and for founding and conducting the Military Academy at West Point to June 30, 1871, including buildings, libraries, instruments, instruction, &c., \$6,801,482.73; and for the United States Naval Academy at Annapolis, \$3,518,880.63. In view of these facts it can in no way be said that never before has money been paid from the Treasury of the United States to the different States for educational purposes. In fact the use of public funds in this direction has become the settled policy of this Government; a policy which cannot be abandoned under our present obligations and responsibilities as a free people, without our being false to the example and precept of the fathers, and without neglecting our manifest duty to those who now enjoy the rights and should intelligently discharge the obligations of American citizenship.

But we have been warned that this bill is a violation of the rights of States to regulate their own affairs; that "they have their own theories of the most effective mode in which the education of the masses can be effected;" and that the measure will "call into exer-

cise new powers on the part of the Federal Government of this country." An objection like this, it seems to me, is hardly worth answering. The bill does not propose to lay down a school system for any State in this Union, or to interfere with any systems already established. It simply proposes to take the States by the hand, the strong as well as the weak, and lead them up in support of one great object at least, which will bind them together in a union that shall be one and indivisible. The country has been filled with arguments, in every period of its history, upon the question of the reserved rights of the States. But I have not before heard it set forth that assistance rendered by the Federal Government to the material and mental improvement of a State was a violation of its prerogatives under the Constitution. I thought, moreover, we had learned certain lessons in the last twenty years with regard to the relations of the States to the General Government which might be useful to us in adjusting those questions which are intimately connected with our nationality, with our character as one people under one flag. The events which have forced the General Government to regulate the entire banking system of the country, and to issue its own currency, to the exclusion of all State banks have certainly taught us that in this point at least the Federal Government has become supreme, and has taken from the States one prerogative which no State seems disposed to resume or reassert. It cannot be possible that the control which the Federal Government may exercise over any State in this Union, as regards its obligation as a component part of one nationality, can hereafter be questioned. We recognize in many ways the dependence of the States on the Federal Government for their very existence, and in recognizing this dependence we also recognize the power of the Government to control as well as to protect. Whatever element in a State affects the national character and belongs to the working of the National Government must be subject to Federal control. And while I recognize the right of a State to establish its penal code and organize its systems of charity and reform and legislate upon all local matters, I still realize the necessity for the exercise of Federal authority in all matters which bind the State to the Federal Government. The municipal power of a State I do not doubt, its governmental powers as independent of Federal authority I do. A State which will ask Federal aid for its internal improvements should, it seems to me, be very slow in declaring that that Government has but small authority within her borders. A State which if invaded would call at once upon the Federal arm for defense may properly be expected to strengthen that arm upon which she proposes to rely. A State having a common interest in the landed possessions of the Government is certainly entitled to receive her proportion of the benefits to be derived from those possessions. I cannot, therefore, believe that any theory of State rights should be accepted in our day which would weaken the Federal Government, or deprive a State of Federal protection, or subject the prerogatives of an American citizen to the control of local authority, or interfere with the material interests of the Republic, or close the hand stretched out to encourage and strengthen the intellectual and moral cultivation of the people. The national institutions which have gathered around our Government, institutions of education—of scientific investigation; the interest which the Federal Government holds in many of the public enterprises of our day—interests which concern the prosperity of all the States, all create a common bond which cannot be broken without disaster and ruin. While, therefore, we erect industrial schools on Federal bounty, and establish a national bureau of education upon which the eyes of educators in every State are turned, and take part in the government of at least one great national railroad, let us not endeavor to dissolve the ties which bind us together, or assert a local authority which might destroy some of the brightest achievements of the Republic. The power of the States and their ambition to excel in all that makes a people great and illustrious in the arts, in science, in all intellectual attainment, in civil freedom, in individual honor, are entitled to the respect of all mankind; but for the accomplishment of all this it is not necessary that they should reject the bounty of the Government or refuse to recognize the authority which would hold them in one strong and invincible nationality.

Now, sir, the gentleman from Minnesota [Mr. DUNNELL] declares that he is "opposed to this bill because it will interfere with a free and untrammelled system of legislation in regard to the public lands." "If this bill shall become a law," he says, "it will be absolutely impossible to secure an amendment of the land laws of the United States such as I insist the interests of the country to-day call for." The picture which he draws of the reduced area of the agricultural lands of the Republic is, I agree, not very encouraging, and I readily understand his anxiety for the repeal of the pre-emption laws for the benefit of the homestead settlers on our frontier. But I would remind him that if there are no land sales there will be no funds to divide, and that he ought to be encouraged by the fact which he himself states "that the cash entries last year were, in round numbers, 877,000 acres, while the entries under the homestead laws amount to 4,418,000 acres, and under the tree-culture law to 1,870,000 acres." I see nothing in the bill before us to prevent this same state of things in future. It is not proposed to check in any way the operation of existing laws; and while I stand here as an advocate of this bill I would in no way obstruct those measures which will accomplish the object which the gentleman from Minnesota [Mr. DUNNELL] desires, or that which the

gentleman from Colorado [Mr. PATTERSON] has in view when he desires that the arid lands shall be preserved, protected, and improved for the benefit of his State.

Mr. PATTERSON, of Colorado. Will the gentleman allow me to ask him a question?

Mr. LORING. I yield for a question.

Mr. PATTERSON, of Colorado. Does the gentleman hold that under the provisions of this bill, after Congress shall have set apart the proceeds of the public lands, it can otherwise dispose of the public lands themselves; that is, donate them to States, to railroads, to municipal or private corporations?

Mr. LORING. The gentleman from Colorado will allow me to read the provision of the first section of this bill as an answer to his question:

Provided, That this act shall not have any effect to repeal, impair, or suspend any law now authorizing the pre-emption of public lands, or the entry of public lands for homesteads, nor as limiting in any manner the power of Congress to alter or extend the right of homesteads upon such lands: And provided further, That nothing contained in this section shall be held to limit or abridge the power of Congress over the public domain, or interfere with granting bounty lands.

It was expressly understood in the committee reporting this bill that under its provisions Congress retains entirely and without modification the power it now possesses over these public lands, and will retain it even if the proposed bill should become a law. It is the proceeds of the sales of public lands made under existing laws which are to be dedicated to the cause of education in this country.

And now, sir, I am entirely in favor of protecting all the rights of homesteads; I am in favor of submitting the arid and desert lands to local enterprise for reclamation; but I ask the gentleman from Minnesota, who spent his early days as a teacher, who knows exactly what the training of youth means, who went forth from his native State profoundly impressed with the value of education to the people of this country, whether he does not know that the greatest boon that can be bestowed upon those who occupy our lands is education in every form? Why, sir, he who has taken up his abode in one of the newer States of this Union should realize this more, if possible, than I do who have never left an old one. We both started forth in life on the same line, as teachers in those humble structures that have been dedicated everywhere by the American people in every period of our history to the cause of education; and I know he will agree with me, that at the very foundation of the defiant demand for freedom, and the determination of this country to have a flag of its own, rest those little institutions of learning, which I am sure he would plant in lands now unoccupied in order that the homesteads there might indeed be the abode of a free and cultivated people, and which I respect and defend and revere in that Commonwealth which I represent in part on this floor. I am with him for homesteads containing an educated and a religious community, feeling that it is such homesteads as these that lie at the foundation of our institutions and are the rock on which the abode of American freedom stands secure against every storm of passion and ignorance and revolutionary madness. Be the proceeds of the sales of public lands large or small, one dollar or one million, I am in favor of appropriating them to the great cause in which we all have a common interest.

Justice to North Carolina.

SPEECH OF HON. C. H. BROGDEN,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 4, 1879,

On presenting the memorials of more than 1,000 citizens of New Berne and adjoining counties, praying Congress to grant an appropriation for the Neuse River and Trent River, both of which rivers were ordered to be surveyed by Congress at its last session, and also for the improvement of the harbor of New Berne; which were referred to the Committee on Commerce.

Mr. BROGDEN. Mr. Speaker, I hold in my hand several large petitions and memorials signed by more than one thousand of the good citizens of New Berne, North Carolina, and the adjoining counties to Craven, praying Congress to make an appropriation to carry on the work already begun for the improvement of the Neuse and Trent Rivers and the harbor of New Berne.

Without any disparagement of others I think I can safely say that no more intelligent and respectable citizens, in proportion to number, have signed any memorial to the Congress of the United States during the present Congress. The signers of the memorials are men of honor and integrity, and they respectfully and earnestly appeal to Congress as the representative of the people.

The city of New Berne occupies an important space in our colonial and revolutionary history. New Berne has probably produced more eminent men than any other town in the United States according to population. She can point with just and patriotic pride to scores of her worthy sons who have been distinguished in the councils of the nation, in the Cabinet, in the Senate of the United States, in the House of Representatives, and who have adorned the bench, the pul-

pit, and the bar. She has furnished twelve members of Congress at different periods of our history, divers judges, and two historians of North Carolina. She has furnished such men as Richard Dobbs Spaight, William Gaston, John Stanly, John R. Donnell, George E. Badger, who was Secretary of the Navy, and Senator in Congress for many years; Dr. Francis L. Hawks, a distinguished historian of North Carolina and a great and good man; John H. Bryan, one of the most eminent men who ever represented the New Berne district in Congress; Richard Dobbs Spaight, jr., who was also a member of Congress and governor of the State; Charles B. Shepard and William H. Washington, who were both distinguished members of Congress from New Berne; Edward Stanly, also a native of New Berne, and an able Representative in Congress for eight years. In addition to many other eminent statesmen, jurists, and historians from New Berne, I may mention the name of François Xavier Martin, the author of a history of North Carolina. I might mention the names of other illustrious statesmen from New Berne who have done honor to themselves and credit to the State; but the name and fame of William Gaston will be remembered as long as the history of New Berne shall last. He was a true patriot, an able statesman, and a profound judge. He declined to accept the high office of Senator in Congress when it was tendered to him. He was the author of that popular song called "The Old North State," which so beautifully and graphically describes the character of the people and the State of North Carolina. Wherever it is heard by true North Carolinians it thrills their hearts with patriotic pride which no other secular song has the power to impart. It commences as follows:

Carolina! Carolina! Heaven's blessing attend her.
While we live we will cherish, protect, and defend her;
Tho' the scorners may sneer at and wittlings defame her,
Yet our hearts swell with gladness whenever we name her.

And in depicting the character of our women, he says:

And her daughters, the queen of the forest resembling,
So graceful, so constant, to gentlest breath trembling;
True lightwood at heart, let the match be applied them!
How they kindle in flame, oh, none know but who've tried them.

New Berne was also the residence of the royal Governor Tryon, in North Carolina, and its landmarks are still there.

Through all the vicissitudes of the times New Berne has ever been noted for the hospitality and patriotism of her men and the beauty and intelligence of her women. New Berne has long been known as "the Athens of North Carolina." There she is, at the confluence of the Neuse and the Trent, venerable in years, honorable in history, neglected by the Government which she has so long and so generously helped to support and for which she has received nothing in return. From the days of our colonial and revolutionary struggles New Berne has ever been distinguished for generosity and liberality. In 1774, when Boston was in trouble, North Carolina expressed her sympathy and at a cost of £800 sterling sent to her a vessel loaded with provisions. The town of New Berne, from which it went, had but six hundred inhabitants, and the whole colony but one hundred and fifty thousand.

New Berne Harbor affords one of the best positions for a fresh-water naval station on the southern coast. The vessels would be secure from the storms of the ocean and from the injurious effects of remaining all the time in salt water. Situated, as New Berne is, in an excellent agricultural region, with the advantages and conveniences of the land and the water, it is one of the cheapest places for living in the United States. Our people have borne the burden and heat of the day, and have worked long and faithfully for others without receiving any just compensation or reward for all they have done. They have been patient and long-suffering, slow to complain, and getting nothing. But they begin to think they have paid taxes to the Government about long enough to ask for some small appropriations for the improvement of the Neuse and the Trent and the harbor of New Berne. We are, like all true North Carolinians, modest and unassuming in our request; but with all due respect and deference for those who would not allow us to receive any benefit for all the taxes we pay, we mean what we say, and, somewhat like President Jackson, we ask for nothing but what we think is clearly right, and we are unwilling to submit quietly to what we honestly believe to be wrong. And now we think it is about time to begin to post up the books and state accounts, and see how we stand with the General Government.

After the revolutionary war North Carolina ceded to the General Government, for the common use and benefit of all the States, herself included, all that vast public domain out of which was formed the great State of Tennessee, which has now ten Representatives in this House. That large and magnificent territory was worth at least \$250,000,000. The people of North Carolina have paid on what they have consumed, since the close of the Revolution, at least \$225,000,000. They have also paid, since the close of the late war, in the way of excise or internal-revenue taxes, \$25,000,000 more, amounting in all to at least \$500,000,000.

The commercial statistics of the country do not show that North Carolina has paid very large amounts of taxes to the General Government, because her productions go to swell the productions of other States, and because her foreign commerce has not been very large.

I hope the Congress of the United States will do justice to New Berne, one of the oldest towns in North Carolina and the birth-place of some of the most distinguished men this country has ever seen. I

hope that a spirit of friendship and sympathy may prevail among the representatives of the people from all sections of the Union; such a spirit animated our forefathers in their struggles for freedom from British oppression.

I think I cannot say anything more just for the people of North Carolina, whom I in part have the honor to represent in this House, than by quoting from an address by Rev. Francis L. Hawks, an able and worthy son of New Berne, delivered before the New York Historical Society, at Metropolitan hall, December 16, 1852. In that address Dr. Hawks said:

Ye are my countrymen, gathered from all parts of our broad land. Probably the blood of some brave soldier from each one of the glorious old thirteen that, with Washington to lead, went through fire to baptize a nation in their blood and to name it Free is represented here to-night. There is circling here through our veins the blood of New England and New York, of Jersey and Pennsylvania, brave little Delaware, Maryland, Virginia, the Carolinas, and Georgia; and the blood of men from all these once made a common pool on more than one hard-fought field. No sound was then heard of sectional feeling, saying I fight for Massachusetts and I for Virginia, I for Connecticut and I for California, I for Jersey and I for Georgia. No, the cry was, we fight for the freedom of all; we want no freedom which does not cover all; we will have no freedom but for all; and have it for all, with God's good help we will, or leave our bones to bleach on the fields of our country. Ah, it is glorious to sit down and turn over the pages of those stirring times, until the heart throbs and the eye waters and we rise to the full appreciation of the dignity, the sublimity of that purest, most unselfish revolution recorded in the world's history. Ah! that is the process by which to bring out the true feeling—intensely American. Look back, look back, my countrymen. Oh, how our brave old fathers clung together. Boston was in trouble in 1774. North Carolina expressed her sympathy, and at a cost of £800 sterling sent to her a vessel loaded with provisions. The town from which it went had but six hundred inhabitants, and the whole colony but one hundred and fifty thousand.

Let it be remembered that it was North Carolinians who, in a public meeting in Mecklenburgh, in 1775, declared that—

The cause of Boston is the cause of all: our destinies are indissolubly connected with those of our eastern fellow-citizens, and we must either submit to all the impositions which an unprincipled Parliament may impose, or support our brethren who are doomed to sustain the first shock of that power which, if successful there, will ultimately overwhelm all in the common calamity.

These are brotherly sentiments, and the men of Boston of that day cordially appreciated them.

Why Massachusetts had her sons down in Carolina, and the men understood and loved each other. Let Josiah Quincy, the young patriot of Boston, tell the story, for he was the man who could tell it. He was at the house of Cornelius Harnett, the man who drew the resolution in the provincial congress calling on the continental body for a declaration of independence; the man whom Quincy described to his countrymen as "the Samuel Adams of North Carolina." He says: "Robert Howe, Harnett, and I made the social triumvirate of the evening." They settled, then, the plan of "continental correspondence," and Quincy went home to tell his countrymen that North Carolina, and indeed all the South, would join Massachusetts in her resistance.

The North and the South then felt as brethren; and now, ye sons of the North—ye men with the blood of the dead soldiers and heroes of New England, New York, Jersey, Pennsylvania, coursing through your veins; ye sons of the North, one and all—I stand here with the blood of the southron in my veins, and I hold out my hand in love to you. Our fathers were brethren, and fought side by side, and they comforted each other in death on the battle-field; and they loved each other. What should we do? Will ye refuse my offered hand? Oh, no! it cannot be, ye cry. You are our brethren, for we are all children of one household. Ay, and so we be—and so with God's blessing would we ever be. And as children of one great household what should be our conduct? Mutual forbearance and love, and a united resistance to all, come when they may and from where they may, who would sow discord between us. We are a large household; there must be some diversities of opinion; let there, however, be none on this great determination, namely, that our diversities of opinion shall be so discussed with entire respect for the rights and consciences of each other, and our mutual determination in all honor and honesty to support each other's just rights shall be so fulfilled, that there shall be no discord that can lead to a rupture of family ties.

Thus spoke Dr. Francis L. Hawks, a true and patriotic son of North Carolina, in favor of cherishing a friendly and fraternal feeling among the people of all the States throughout the Union.

I would invoke the same generous and patriotic spirit which animated and characterized that eminent and distinguished man. I would do justice to all, and ask for the same in return. I would remind this House that the people of New Berne have been paying taxes to the Government for almost one hundred years, and they now want a little assistance to remove some of the obstructions in their rivers and harbor. They do not ask for millions, to which they are justly entitled, but for only \$200,000, to be economically and judiciously expended where it will do the most good. I will venture to say that in my humble opinion Congress has made no appropriation for internal improvement since the war which has been of more practical benefit to trade and commerce than will be the small appropriation for the improvement of the Neuse and the Trent Rivers, and the harbor of New Berne, in proportion to the amount.

As the memorial of the citizens of New Berne states, the city is located at the confluence of the Neuse and Trent Rivers, on the southwest arm of Pamlico Sound, as the Neuse below New Berne may properly be called, and offers facilities for commerce and an iron-clad depot, if properly developed, unsurpassed by any Atlantic city south of Norfolk. The city of New Berne is situated in latitude 35° 06' north and longitude 77° 03' west. It possesses a commodious fresh-water harbor, always free from ice and entirely exempt from the worms which destroy wooden vessels and the barnacles which foul and injure iron vessels; while by the channel which it is now proposed to improve the harbor can be readily reached by large-size steamers.

During the last century the port was noted for its foreign trade, and many vessels loaded at its wharves for England and the West Indies. Until the commencement of the present century vessels draw-

ing from fourteen to fifteen feet of water could reach New Berne from the sea through Ocracoke Inlet.

During his incumbency of the presidential chair George Washington—great as an engineer as he was as statesman and soldier—had recommended, both for national defense and commercial purposes, a wise system of inland coast navigation extending from Chesapeake Bay to Georgia. A part of his great plan has since been carried out by the Chesapeake and Albemarle Canal. At that period the merchants of New Berne, seeking for a shorter, better, and safer route from their wharves to the sea, conceived the idea of uniting their plan with Washington's great coast line.

The improvement of New Berne Harbor and its approaches will render available for the use of the Navy a fine fresh-water basin formed by the Trent River at that city—having a depth of twenty feet of water—always fresh and never freezing, where our monitors and iron-clads could lie in safety at all seasons, and where depots of coal and supplies could be maintained secure from an enemy's reach in time of war.

I will only add a few more words in conclusion of what I have to say at present on presenting these memorials to this House. To show that New Berne has been neglected by the Government it need only be stated that the United States courts are held there, and yet the Government owns no building in which to hold said courts and has to rent a house for that purpose. It is a port of entry, and duties on imports are collected there, but the Government owns no custom-house and has to rent a house for the office of the collector of customs and for the office of the collector of internal revenue. The city post-office is there, but the Government owns no house to keep the office in and has to rent one for that purpose also.

And now, in a spirit of friendship and good-will, I appeal to the magnanimity and generosity of the members of the House of Representatives from all sections of the Union to do justice to New Berne and to North Carolina.

Improvement of the Illinois River and Enlargement of the Illinois and Michigan Canal.

SPEECH OF HON. PHILIP C. HAYES,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 6, 1879,

On the bill (H. R. No. 6354) to provide for improving the Illinois River and enlarging the Illinois and Michigan Canal.

Mr. HAYES. Mr. Speaker, I take this opportunity to submit a few remarks on the bill that I introduced into this House this morning, which was referred to the Committee on Commerce, and which reads as follows:

Be it enacted, &c. That with a view to the future improvement of the Illinois River and the enlargement of the Illinois and Michigan Canal, so as to make each navigable for the largest steamers that do business on the Mississippi River, the sum of \$500,000 be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of building a dam, with snit-able lock, across the Illinois River at or near Beardstown; said dam and lock to be similar to those already built at Henry and Copperas Creek on said river.

I introduced this bill, Mr. Speaker, not only because I am anxious to secure the specific appropriation which the bill calls for, but because I desire to call the attention of gentlemen upon this floor to the general subject of improving the Illinois River and enlarging the Illinois and Michigan Canal as indicated in the bill. In what I have to say on this occasion I propose to submit a few facts and figures, which seem to me to make out a clear case in favor not only of granting the \$500,000 asked for, but in favor of the General Government at once entering upon the general improvements which my bill suggests. I only state a fact, which every one who has investigated the matter knows, when I say that this is a work of the greatest possible importance and one that is in the direct interest of a large majority of the people of the whole country. Believing this to be so, I have been anxious ever since I became a member of this House to get something done which would help forward this work. Last winter I endeavored to get the Committee on Commerce to provide in the river and harbor bill for an appropriation of \$500,000 for building this Beardstown dam, instead of the \$75,000 which they appropriated for dredging; but my endeavors were of no avail. A few days ago I went before the committee again and urged the same thing; but was told that they could only give us the old sum of \$75,000, which was more, they said, than our percentage of the whole amount of the proposed appropriation.

Having failed with the committee, I now come into the House and here urge the adoption of the measure which I propose. In doing this I desire to say that I am not one of those who believe in a reckless expenditure of the public money. Neither am I one of those who would be niggardly and parsimonious where great public interests are to be subserved. Where the general good demands it there I would make appropriations liberal, but in all other cases I would practice the most rigid economy. The measure which I am advocat-

ing, sir, is one of general interest, and in advocating it I feel that I am advocating a measure that, if once enacted into law, will prove of immense benefit to the internal commerce of this great nation, in which such a large proportion of our people are so deeply interested. Here is a river which, from the city of La Salle to its mouth, a distance of two hundred and twenty-three miles, is navigable during a considerable portion of the navigable season for the largest steamboats and tugs which do business on the Mississippi River. During the hot months of summer the waters of this river run so low that nearly all navigation has to be suspended. At La Salle this river is connected with Lake Michigan by the Illinois and Michigan Canal, which runs from La Salle to Chicago, a distance of about one hundred miles.

It will be seen from this that the Illinois and Michigan Canal and the Illinois River form a continuous line of water communication between the waters of the great lakes and the Mississippi. In fact this is the only line of water communication connecting the waters of this mighty river with the lakes. This one fact is sufficient of itself to convince any one that it is a matter of the greatest importance, not only that this line be kept open during the entire summer season, but that the river be put in such shape that it will float at all times during the warm months any steamer that runs upon the Mississippi. Realizing the importance of enlarging the shipping facilities of this river, some years ago the State of Illinois undertook the building of a series of locks and dams across it by means of which it was expected to secure sufficient depth of water to allow the large Mississippi steamers to pass up the river as far as La Salle. Several surveys were made by competent engineers who came to the conclusion that with five dams at proper intervals the two hundred and twenty-three miles could be made navigable for these steamers during the entire summer season. It is to assist in the construction of one of these dams that I urge the appropriation of \$500,000 on this occasion.

The State of Illinois has already built two of these dams at a cost of about one million of dollars, and the result has been all that was expected. In the building of one of these the United States Government assisted with an appropriation of a little over \$62,000. There are three more dams to be built, one at Beardstown, one at Bedford, and one about six miles above the mouth of the river. The estimated cost of the three is \$1,350,000, or nearly \$500,000 each. What I ask Congress to do now is to appropriate enough money to construct one of these dams, and thus sanction the work and pave the way for other and larger appropriations in the future. I urge this not in the interest of any individual or any particular class of individuals; I urge it not merely because it may be of some benefit to my State or my particular portion of the State; but I urge it upon broader grounds and for more potent reasons. I urge it in the interest of the internal commerce of this great country which it is the duty of this Government to foster. I urge it in the interest of the farmers of the great West who are seeking some cheaper means than they now have for transporting their surplus products to the eastern markets. I urge it because I believe such an appropriation would be the beginning of a system of internal improvements which cannot fail to bring good to the people both East and West, North and South.

Mr. Speaker, it would seem that the spirit in favor of internal improvements which formerly characterized the American people has almost entirely disappeared in these latter days. There is a large proportion of our people who believe that as a nation we have done all that we are called upon to do in the way of helping forward such improvements. They say that, having spent so much of the public money in this direction, it is high time to call a halt, and in the future leave all these improvements to be carried on by private enterprise. Now, sir, I have no sympathy whatever with these sentiments, and I would tell those who advocate them that, if we are to continue to grow and develop in the future as we have done in the past, we can only expect to do it by constant activity; by grappling with new problems and new enterprises every year. Nations never arrive at that point where there are no more tasks to be undertaken and no more labors to be performed. Now and then a nation may imagine that she has reached that point, but the moment such imagination comes to control her action that moment her downfall begins. A nation, like an individual, develops its powers and grows strong and healthy by the employment of its energies in pushing forward some worthy enterprise. Let her once reach the point where she is content with her past achievements, however brilliant or grand they may be, and can sit with folded hands simply contemplating what she has done, but indifferent about doing anything more, and ruin will soon overtake her.

Look at the history of our own country! What wonderful achievements we have won during the single century of our national life! What rapid strides we have taken in all that makes a nation strong, vigorous, and healthy! To what magnificent proportions have we grown in our commerce, our manufactures, our agricultural and our mining interests! What vast sums have we added to our wealth by developing the natural resources of the country and carrying forward to completion so many public enterprises! We have become rich and great and powerful simply because we have kept our thought bright, our energies active, and our whole being enthused with some grand and lofty purpose. And, sir, if we achieve anything in the future that is worthy of note, if we take any step forward on the great highway of nations, it must be done in the same way. What we need in this country to-day is the inauguration of some system of public im-

provements which shall be in the interest of the whole country and which will draw to it the enthusiastic support of the whole people. There is much to be done in this line. Take our internal commerce, and what an extensive field does this furnish for the thought, the energies, and the ambition of a great nation like ours! There is the chain of magnificent lakes stretching along our northern border. There is the Mississippi River, with all its many tributaries, draining the vast territory lying between the Alleghany and Rocky Mountains, and emptying its waters into the Gulf of Mexico. What grander enterprise could this Government undertake to-day than that of opening up direct water communication from the waters of the Mississippi River, through the great lakes, to the Atlantic Ocean?

This enterprise will be undertaken and completed in time. It may not be in your day, Mr. Speaker, or in mine, but it must come in the course of time, if this nation continues marching onward as it has been doing during the past century. What I urge upon the Government is, that it go to work at once with a determination to secure such communication at the earliest possible day.

For years this matter has been agitated, and many able men than myself have urged the Government to undertake this great work without delay. I do not propose, sir, to offer any suggestion as to the particular line of communication between Lake Erie and the Atlantic Ocean, but in regard to the line for connecting Lake Michigan and the Mississippi I have a word to say. If the Government determines to enter upon this work, it is desirable, of course, that the cheapest and best route should be secured. What the cheapest and best route is must be determined by actual surveys, conducted by the most competent engineers that can be obtained. Such surveys have already been had, and I now quote from a report of General J. H. Wilson, who made a survey under instructions from the Secretary of War "to conduct surveys and examinations, and to prepare plans and estimates for a system of navigation by way of the Illinois River between the Mississippi and Lake Michigan, adapted to military, naval, and commercial purposes, in accordance with the act of Congress, dated March 2, 1867." In this report General Wilson says:

During the summer (1867) we made a personal examination of the country comprehended in the survey, and have fully investigated all points of interest connected with the proposed system of navigation, and by the aid of the extensive and careful surveys made under our direction, together with the survey of last year made under the direction of General Wilson, that of Mr. J. B. Preston made in 1857, and, fortunately for our investigations, the large mass of facts bearing upon the questions involved which have been accumulated during the last thirty years by Mr. Gooding, chief engineer of the Illinois and Michigan Canal, we doubt not that all the necessary information has been obtained upon which to base a definite plan of improvement to make a final and economical location of the general line of works, and to estimate their cost with a degree of certainty not hitherto attainable.

By a careful examination of the report and profiles of this year's survey, with the map herewith submitted, it will be seen that the location of the present canal, from Bridgeport to the valley of the Des Plaines, cannot be advantageously or economically changed, that it is the best, cheapest, and most direct route which can be found, there having been more than enough work already done on this line to counterbalance the natural but not superior advantages of the slightly lower but more tortuous route by the way of Mud Lake; that the Calumet River and Saginaw Creek route, along what is known as the Calumet feeder, would cost a great deal more than either of the others, being longer and ending at a point where there is neither a natural nor artificial harbor, and where it would be impossible to construct one which would answer the purposes of commerce and the national defense; and finally, that it is not practicable at any cost to use any part of the Kankakee River as a part of the system of navigation in question. For the foregoing reasons, after a careful consideration of all the facts upon which they rest, a full analysis of which will be given hereinafter, we are decidedly of the opinion that in constructing such a system of navigation as the interests of the country require the Government must follow the general line of the Illinois and Michigan Canal and the Illinois River. When it is considered that the summit of the Fox and Wisconsin River line is three hundred and fifteen feet and that of the Lake Winnebago and Rock River two hundred and eighty-five feet above the level of Lake Michigan, it will be seen that the line recommended by us is the only feasible route for deep-water communication between the great lakes and the Mississippi River, equally adapted to military, naval, and commercial purposes.

We have, therefore, to respectfully recommend that the improvement in question shall be made by widening and deepening the present canal from Bridgeport to the head of Lake Joliet, with the exception of a section of eleven and one-quarter miles between Summit and the "Sag," where it will be cheaper to excavate an independent canal. From Lake Joliet to Marseilles the line should follow the bed of the river, the necessary depth being secured by a system of locks and dams. At Marseilles it will be necessary to construct a piece of independent canal, in order to pass the Grand Rapids of the Illinois, striking the river again at or above Ottawa, as may be found most economical. From the latter point to the mouth of the river the necessary navigation should be secured by a system of dams and locks.

In making our surveys and estimates we have deemed it our duty to obtain such data as would enable us to recommend the proper route for and improvement of the capacity indicated beyond a question. It is true that it has long been understood that the only practicable route for such an improvement from Lake Michigan to the Illinois River would be to follow the course of the present Illinois and Michigan Canal from Chicago until a point was reached where it would be expedient to improve and occupy the river rather than enlarge the canal to the requisite dimensions.

For a canal and river improvement of a capacity sufficient to pass such gun-boats as required and river steamers of eight hundred or one thousand tons burden from the Mississippi to Lake Michigan, no other route in our judgment can be compared with that by the Illinois River and the Illinois and Michigan Canal. It follows the course of what was unquestionably once the great outlet of the lakes toward the Gulf of Mexico, and through which only is it now practicable to again turn their waters in that direction. On all other routes proposed there is a considerable ascent from the lake to the Summit, involving the necessity of an additional amount of lockage and of providing a supply of water from sources much less reliable than that inexhaustible reservoir, Lake Michigan.

The point here made that this route follows the course of what was once the natural outlet for the waters of Lake Michigan is an important one, and speaks strongly in favor of determining upon this

route for the improvement which I ask to be made. On this point I quote further from General Wilson's report:

There can be no doubt that through this depression there was once an outlet from the lakes to the Mississippi, which was closed by the recession of the waters of the lakes. Even now, at the present stage of Lake Michigan, its surface is only between eight and nine feet below its summit. The Des Plaines River, from the depression described, changes its course and runs in nearly a southwest direction until it forms a junction with the Kankakee. The river itself, except in floods, is very shallow, being often reduced in dry seasons to a mere brook, discharging less than one thousand cubic feet of water per minute. But the valley averages a mile wide, and is terminated on both sides by well-marked terraces, which become higher and higher as they approach the Illinois. Evidence at every step presents that the water, when this was the great outlet of the lakes, extended from bluff to bluff.

With this statement before us in regard to the surveys of this route and the results obtained therefrom, let us look for a moment at the cost of the improvements which I propose between Lake Michigan and the Mississippi. In the quotations which I have made above from General Wilson's report, it is expressly stated not only that this is the "most direct route that can be found," but that it is the "best" and the "cheapest." That General Wilson's conclusion is correct no one will deny who remembers these two facts: first, that it is the route formed by nature; and, second, that the canal is already constructed and the work which has been done thereon will not have to be done over again. These facts General Wilson took into account in making up his estimates as to the cost of the proposed improvement, which are as follows:

1. Chicago to Lockport, twenty-nine miles.....	\$11,249,173 98
2. Lock No. 1 to Lock No. 8, (Joliet Lake,) seven miles.....	2,095,546 53
3. Lock 8 to Marseilles, forty miles.....	1,296,806 77
4. Marseilles to Ottawa, six miles.....	938,380 75
5. Ottawa to La Salle, seventeen miles.....	683,734 53
6. La Salle to mouth of the river, two hundred and twenty-three miles.....	1,953,600 00

Total..... 18,217,242 56

Since the above estimates were made the State of Illinois has constructed two dams across the river below La Salle at a cost of \$1,000,000, which amount should be taken from the \$18,217,242.56, leaving the estimated cost at present \$17,217,242.56.

Now, Mr. Speaker, with these facts and figures before us, I wish to say that this improvement which I ask to have made is one of national importance. It is an improvement in which the people of the whole country are interested, and has been recognized as such time and again by the United States Government. Why, sir, as far back as 1822, when the question of constructing a canal between the navigable waters of the Illinois River and Lake Michigan was first being agitated, Congress passed an act authorizing the State of Illinois "to survey and mark through the public lands of the United States the route of the canal connecting the Illinois River with the southern bend of Lake Michigan," and ninety feet of land on each side of said canal was reserved from sale for the benefit of the canal. After the State had surveyed the route and estimated the probable cost of the work Congress again gave aid by passing the act of 1827, granting to the State every alternate section of land lying within five miles of the contemplated canal on each side, the grant amounting to about two hundred and eighty-four thousand acres. In 1842 there was another grant of land amounting to fifty-seven hundred and sixty acres, in lieu of lands sold by the United States within the limits of the grant of 1827. Again, in 1854, Congress made another grant of land for the same object, amounting to over thirty-two thousand acres. Thus has the National Government, at various times and by repeated acts, recognized the importance of the Illinois and Michigan Canal. It is true that the State managed its construction and did the work, but it was all done with the assistance and encouragement of the United States Government. The amount of money expended by the State in the construction of the present canal, with its feeders and appendages, is as follows:

By canal commissioners, from 1836 to 1843.....	\$4,979,903 74
By canal trustees, from 1845 to 1848.....	1,429,606 21

Total..... 6,409,509 95

Now, Mr. Speaker, having presented the main facts relating to this important work, I ask this House if it will not sanction the undertaking of this work by passing the bill which I have presented? I am aware, sir, that there are some gentlemen here who will object to such an undertaking. There are some here who, being actuated by a spirit of so-called economy, will claim that we are too poor to undertake such a work. It is, sir, a most lamentable fact that there are so many people all over this country, and some few in this House, who are utterly opposed to any and every thing in the nature of internal improvements carried on by the National Government. These men believe that all improvements of this kind should be made by the States, and that the General Government should have nothing whatever to do with them. Why, sir, there are hosts of people in this country to-day, and some of them have managed to get into Congress, who have not got through cursing the republican party for what it did to help forward to success the great enterprise of building the Pacific Railroad. And yet I hold to the idea that this work was one of the grandest ever undertaken by that party, and for what it did to help forward this work future generations will rise up to praise it. It is true that vast quantities of land were voted to aid in the construction of this road, but I hold to the idea that the Government is immensely richer to-day with the road and without the

land than it would be with the land and without the road. I wish it to be understood that I am in favor of these internal improvements carried on by the General Government. Why, sir, look at the history of this country for the past few years and see what such improvements have done for us.

From 1846 to 1871 the Congress of the United States passed no less than ninety-one different acts for promoting the building of railroads. During that time we donated to railroads, according to a statement recently made by Senator BLAINE, two hundred million acres of the public land and gave them beside \$60,000,000. These are munificent donations certainly, but who has been made the poorer by them? Has the Government? Have the people? By no means. On the contrary, these donations have been the means of increasing our wealth both as individuals and as a nation. By means of them we have built up a system of railways which outruns all the world, with great trunk lines threading the continent east, west, north, and south, in every direction. We have pushed our lines of railroads here and there into the far West, thus adding largely to the price of every farm lying near them, opening up for settlement the immense prairies hitherto unoccupied, and bringing a market and the blessings of civilization to the very door of the hardy pioneer who locates upon these prairies for the purpose of making for himself a home. These railways have not only enriched the country but have proved a blessing in many ways to our people, and I for one honor the republican party for what it has done to aid in their construction. Improvements such as these are the glory of any people, and the nation which fails to encourage them will never prosper.

But once more. We hear much said nowadays in regard to our commerce upon the high seas. I presume there is not a gentleman on this floor who does not think that we ought to do something to build up this commerce so that we may get our proper share of foreign trade. But, sir, it is not our foreign commerce alone that we need to look after. The internal commerce of a great nation like ours needs our fostering care as well as our external commerce. Have gentlemen on this floor thought of our needs in this direction? Here we are, a nation of over forty-five millions of people. If our population continues to increase as rapidly as it has done for the past few decades it will not be long before we shall number one hundred millions. And where is this vast increase in our population to find homes? In the far West. Here is room in abundance for all who will come. Here on the broad and fertile prairies are millions of homes waiting for their coming occupants. During the past few years the immigration to those prairies has been immense, and so it will be during the years to come. These people go out from our own homes or neighborhood or State. They are our own relatives or acquaintances or friends. Moreover, they are American citizens, and as they go forth to endure all the trials, hardships, and privations of pioneer life it is the duty of the Government to do all it can in the way of legislation to promote their comfort and welfare.

It is true much has been done to induce them to go West. The homestead act gives to each man a hundred and sixty acres of land, and under its operation fifty million acres of the public domain have already been taken up. Still there are not less than sixteen hundred million acres yet untouched, waiting to enrich the millions of hardy husbandmen who may make homes thereon. As our fellow-citizens push forward to occupy these lands they should be led to feel that the Government is doing all that it can to assist them in their new and disagreeable life. One of the worst things in this country at the present time is the thronging of so many of our people to our cities and towns. City life has wonderful attractions to most people, and the result is that thousands upon thousands prefer to eke out a miserable existence in the city rather than to go out and make for themselves homes upon the public domain. To them, going West means to cut loose from all the comforts of civilization, to be deprived of a market, to abandon society, and to lead a dreary, miserable life. If from one-eighth to one-fourth of the people in all our large cities could be transferred to these western lands and there put to work for themselves, what a wonderful change for the better there would be. Then we should hear no more of the commune, no more of the fiat-money lunacy, no more of mob violence with its fearful cry of "bread or blood," no more of desolate households and starving women and children. Of course it is not possible for the Government to rid pioneer life of all its unpleasant and disagreeable features.

It can, however, do something in this direction. It can encourage the building of railroads in the far West, and improve the navigation of its rivers, thus bringing the blessings of civilization to the frontier settlements and furnishing to the settlers such transportation as will enable them to put the produce of their farms upon the market at such reasonable rates as will enable them to realize a fair price for the labor of production. Why, sir, it is a notorious but sad fact that for the past few years many of our western farmers have been, and are to-day, using corn for fuel, actually burning up that for which so many in all our large cities are almost starving. And why is this? Simply because there is no great national highway by which this corn can be gotten to market at a fair rate. Who believes that corn would be thus burned if we had direct water communication such as I suggest between the Mississippi River and New York City? Such communication would regulate and cheapen freights. Why, sir, when that great enterprise of building the Erie Canal was first undertaken, there were those who ridiculed it, and "Clinton's ditch" became a

by-word in the mouths of all who doubted the wisdom of the undertaking. But the moment the canal was completed and boats began to run on it, freights that had been at \$100 per ton from Buffalo to New York, dropped to \$7—and, as Senator BLAINE remarked in a recent speech, "it is not an exaggeration to say that at that day, before railroads were among us, the water that was let in from Lake Erie to that canal added \$100,000,000 to the value of the farms west of it."

The history of the internal commerce of this country for the past few years shows that railroads cannot compete with water lines in transporting grain and other heavy freight. I have seen it stated, upon what I thought good authority, that the tonnage upon the Erie Canal during the year 1877 was greater than ever before, notwithstanding the persistent efforts of the trunk lines of railroads to draw away its freight and break it down. From the report of the chief engineer of the Illinois and Michigan Canal for the year 1877, I take the following, which corroborates my assertion that railroads cannot compete with water lines in transporting grain and other heavy freight:

Freight can be transported from Saint Louis to Chicago (by water) for one-half cent per ton per mile; the distance being about 370 miles, would be \$1.85 per ton or 94 cents per 100 pounds; which would be 5.55 cents per bushel for wheat and 5.18 cents for corn; and only about one-quarter of this amount would be for tolls on the canal and locks, which would give \$1.40 per ton net freight.

Eight canal-boats and a propeller or tug can pass each lock on the river at one lockage, and all would carry from 1,800 to 2,000 tons of freight, giving not less than \$2,000 above tolls. For the return trip from Chicago these same boats would transport from 1,000,000 to 1,200,000 feet (b. m.) of prime lumber at \$3 per thousand feet, making freight bills not less than \$2,500 above tolls. * * * The established freight by railroads for distances equal to that between Saint Louis and Chicago is 11.91 cents per bushel for wheat and 11.14 cents for corn. For pine lumber it is \$6.25 per thousand feet, which is more than double the freight by river and canal. This is perhaps as low as the railroads can carry and make it profitable, as the canal and river rates would not pay the railroads the actual cost of transporting freight.

Now, Mr. Speaker, these extracts show that the water lines furnish a cheaper transportation than the railroads by one-half. Is it not, then, the duty of the Government to do what it can to secure such transportation for the farmers of the West, that they may thus be enabled to put their corn in the market instead of using it for fuel? Such a line of communication between the Mississippi and New York City as I have suggested would not only furnish a good market to our western farmers but would produce such low rates on all heavy freights that their welfare in all respects would be promoted, their wealth increased, and as their wealth is increased all other branches of industry and commerce would be proportionally improved. It has been truly said that it should be a settled principle of American legislation to encourage in every possible way facilities for intercommunication between different portions of this great country, and to repress in the most effectual way anything that might possibly act as a restraint. Experience shows us that travel and transportation increase as their cost diminishes. Whatever, therefore, operates as a tax on locomotion is inconsistent with the highest principles of state policy. These things being so, what question, I ask, is more important or more worthy of the careful consideration of this House than this question of direct water communication between the East and the West? Such a line of communication cannot fail to prove a great benefit to the people in all parts of the country, North, South, East, and West. There is not a city or State bordering on the Mississippi River or any of its tributaries, touching the great lakes or lying among the mountains of New England, that would not be benefited by it, lowering and regulating, as it would, the rate of freight between the East and the West, increasing transportation, and giving new life and activity to the entire internal commerce of the country.

Having said this much, Mr. Speaker, on the general subject of water communication between the East and the West, I desire to say a few words more directly in regard to improving the Illinois River, for the helping on of which improvement I now ask an appropriation of \$500,000. I am convinced, sir, that the improvement of this river, when results are considered, will prove the least expensive of any improvement of the kind ever made either in this or any other country. It has been estimated by the most competent engineers that, with all the five locks and dams completed and with what the United States has already expended and may yet expend, in dredging, the cost will not be over \$12,000 per mile. Now, statistics show that the Erie Canal, which is three hundred and fifty miles in length, has cost about \$90,000 per mile or over \$30,000,000. The improvement of the rapids of the Mississippi at Keokuk has cost \$375,000 per mile or \$4,500,000, while that at Rock Island has cost from \$75,000 to \$100,000 per mile, or over \$1,000,000. The estimated cost of this improvement at the beginning was only \$1,953,000. Two dams have already been constructed by the State, leaving three more to be constructed at an estimated cost of \$1,350,000. When this work is done we have a river navigable for two hundred and twenty-three miles during all the navigable season. Speaking of this work, the chief engineer of the Illinois and Michigan Canal says:

With those dams and locks built, this river will become one of the most important channels of commerce in the United States, and perhaps in the world. At all seasons of navigation steamboats, propellers, tugs, barges, and other water craft drawing six feet of water can navigate the same, and with this increase of depth can more successfully compete for the carrying trade than any other route, and produce a great saving in cost to the shipper or producer.

To give some idea of the importance of the water line from the

Mississippi to Chicago I will quote further from this gentleman, showing the extent of the carrying trade on the Illinois River and the Illinois and Michigan Canal:

Take the articles of corn and lumber, which form a very considerable portion of the business of the canal. About one-eighth of all the corn received at Chicago is by the Illinois and Michigan Canal, and one-twelfth of all the lumber shipped from Chicago is by said canal; and a very small part of the territory is now reached which would be tributary to the river and canal with this improvement completed.

At Saint Louis the average tons of freight received from the Illinois River for the last five years was 155,000, which was one-fifth of all the freight received by all the western rivers, and one-twentieth part of all received by rail from all the fifteen railroads entering there from every direction.

The number of steamboats arriving at Saint Louis in 1876 was 2,122, and of this number 289 were from the Illinois River. The departures were 2,118, and 289 were for the Illinois River, making over one-eighth part from this river, and more than arrived from all the other rivers except the Upper and Lower Mississippi.

Now, sir, from the facts and figures which I have presented, it will be seen that the improvement of the Illinois River and the Illinois and Michigan Canal is a work of great importance to the commercial interests of this country. I hope the time is not far distant when the United States Government will come to realize the importance of this work and will take hold of it with a determination to complete it at as early a day as possible. I do not ask the Government to make provision at this time for the completion of the entire improvement which I suggest, but I do ask it to make a beginning by granting the appropriation named in my bill. The improvement of the river is the most important of the whole work, and should be undertaken first. On this point I can do no better than to quote again from the report of General Wilson, who says:

Having fully considered the arguments for and against the plan of improvement recommended herein, the question naturally presents itself in this part of our report, what part of the improvement should be first commenced? In view of the fact that there is already an excellent line of canal navigation ending at La Salle, which can be used in its present condition, we are of the opinion that the Illinois, from La Salle to its mouth, should be first improved.

The liberal appropriation of lands by the United States, in 1827, to aid the State of Illinois in the construction of the canal from Lake Michigan to La Salle, and the subsequent expenditures of the State to accomplish the object, amounting to not less than \$6,500,000, were based upon the supposition that the Illinois below La Salle was a good navigable river, and this large expenditure for the construction of the present canal would secure a good and cheap navigation between Lake Michigan and the Mississippi. Such is not the fact. There has been scarcely a season since the canal was completed, twenty years ago, when there has not been a serious interruption to navigation for a greater or less period from low water in the river; and as the country has improved so that the surface water, which formerly drained more slowly and continuously into our rivers, has ceased to afford any considerable supply in summer, the evil has been becoming worse. The past season the navigation between La Salle and Peoria was almost suspended from the last of June to the close of navigation, and below this it was but little better; in fact navigation was virtually suspended on the river for all practical purposes for about five months.

The improvement of the Illinois River below La Salle, which we earnestly recommend at the earliest practicable period, would make a perfectly reliable navigation from Lake Michigan to the Mississippi; and while it would give a first-class navigation, equal at least to that of the Lower Mississippi for an extent of more than two hundred and twenty miles, it would make even the present canal an important channel of commerce, though not equal in capacity to what is desired.

And now, Mr. Speaker, I have said about all I desire to say on this subject. The facts and figures which I have given are amply sufficient to convince any sensible man of the great importance of the improvement which I have suggested. Why not undertake it, then, without further delay, especially since, with such a small expenditure of money, we can secure such a grand highway for the extensive and yearly increasing carrying-trade between the East and the West. It is a fact which no one will deny that this country needs all the facilities it can possibly have for its carrying-trade, and every possible channel of importance which can be opened at moderate expense should be secured to assist in this great necessity. As I have already said, the time is coming when this great water line between the East and the West will be improved so as to float all classes of boats which now do business on our largest rivers. When this is done boats will take in their cargoes at New Orleans, Saint Louis, or any one of the many cities on the Mississippi or its tributaries and land them without interruption at Chicago. Returning, they will take in their cargoes at Chicago and distribute them, without any reshipment, at their destination. Looked at in this light merely, we can see what a great benefit will accrue to the people of the West and Southwest by giving them first-class navigation between Lake Michigan and the Mississippi. But when the question is looked at in its broadest light—when we consider the effect that such water-communication will have in cheapening freights, in stimulating trade, and in building up our internal commerce, then it assumes a national importance, and should be so regarded by this House.

Certainly there could be no more favorable time than the present to undertake such a work. Material can be purchased at remarkably low prices, while labor is both abundant and cheap. Look at the laboring-men in the country who are out of employment to-day. Why not set on foot this great system of internal improvement, and thus set your idle laboring-men to work? By such a course, the Government would not only enrich itself and the country, but it would promote the happiness and welfare of all classes of our laboring population, both east and west. Surely the times could not be more favorable for such an undertaking, nor the demand more imperative. All that is needed is the action of Congress. Shall we longer hesitate under such favorable circumstances? Last year we passed, without discussion, a river and harbor bill which took out of the public Treasury nearly \$9,000,000, and I believe that a large portion of this money

was actually thrown away, being spent in localities where no one will ever be benefited by it. But here is an improvement that all must admit to be of national importance, and one that cannot fail to bring good to the whole people. And it is to help forward such an improvement that I ask this House to appropriate the small sum of \$500,000. Will you grant this request?

Mississippi Levees.

SPEECH OF HON. J. E. CRAVENS,

OF ARKANSAS,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 5, 1878,

On the bill (H. R. No. 4318) to provide for the organization of the "Mississippi River improvement commission," and for the correction, permanent location, and deepening of the channel, and the improvement of the navigation of said Mississippi River, and the protection of its alluvial lands.

Mr. CRAVENS. Mr. Speaker, at this point of time no one is found seriously to deny the power of Congress to appropriate moneys for the improvement of the navigation of rivers national in their character, made so by their susceptibility of bearing upon their bosoms as parts of continuous lines of water transportation the products of the regions traversed by them to the chief marts of the country. The right or power so to do has been too long practiced, sustained as it is by the decisions of the courts, to be questioned; it exists. The exercise of the power or the extent to which it shall be exercised, if at all, in any given case, are questions upon which we cannot expect entire unity of opinion, no matter how grand the enterprise. This is especially the case when the appropriation is for a large sum of money.

The Mississippi is the king of rivers on this continent, and it might be added, on the face of the earth. It and its tributaries drain an empire in area. The extent and fertility of the valleys of that river and its tributaries are so great that now, sparsely settled and untilled as they are, their yield of products, when compared with those of the whole country, demonstrate the magnitude of the work proposed, and it seems to me ought to disarm all opposition. Other gentlemen have furnished the statistics, and it is not necessary to repeat. The yield of agricultural products from the territory traversed by this river and its tributaries, fully peopled and in a high state of tillage, the mind can scarcely contemplate, but to them the candid mind must look when it dare contemplate the prospective greatness and glory of this country. Their varieties are such as to meet the needs and wants of our populace in any and all parts of the country. Cotton, tobacco, wheat, rye, oats, corn, and all else that is grown in any section of the Union are grown in perfection there, and may be grown in such abundance that no matter how much the increase of our population in years to come may be, we shall never be in want or be compelled to purchase elsewhere, but always have an excess for foreign markets.

The sugar-producing quality of a portion of the lands of the Mississippi Valley are well known, and are sufficient in extent to warrant the hope that in the comparatively near future our people can be fully supplied with sugars of our own production. The mineral and timber resources of that section, added to its agricultural capacities, make it incomparable with and far superior as a whole to any country equal in extent known to civilization. In truth, the future, with the wonder-working power of the age in which we live, the age of progress, promises to this nation from the full development of that region greater wealth and greater prosperity than that attained as yet by any government in the history of the world. Those who preceded us in the administration of the Government were not blind to these facts, and in their great wisdom purchased that river.

If its purchase with national funds does not give it a national character, its length, breadth, depth, and majestic flow through the heart of the country certainly does. In its channel mingle the waters of half the entire country; it is mighty. What would be America without it? Without the Mississippi and its valley the United States would be stripped of her national grandeur, and the hope of the future would be turned to present despair. It is not intended by these reflections to decry other sections or regions of our common country. They are as important to the making up of a grand whole, one country, as the territory drained by the Mississippi. The community and mutuality of interests between all our sections is best understood when the necessity is felt for national enterprises to facilitate intercourse and commerce between them; and the actual interests of all sections are subserved when such facilities are furnished.

The Mississippi River is a natural facility enjoyed in some degree by every section of the country. If it is within the power and ingenuity of man to make the navigation of that river perfect and secure, the incalculable benefits accruing therefrom would certainly justify Congress in the exercise of its unquestioned right to appropriate money for that purpose. The magnitude of the river and the grand purposes to be attained by its perfect navigability, aside from

the reclamation of its overflowed lands, invoke from the representatives of the people a degree of liberality hitherto unknown in their legislation, if indeed they can indulge the hope that their liberality shall be rewarded by success. No State or States can be expected to enter upon so grand an enterprise. It is not the river of a State, but eminently a river of the United States.

The amount of money proposed to be appropriated by this bill will certainly not alarm any one. Two hundred and fifty thousand dollars for so grand a purpose is so small a sum that no one thus far has dared to complain at the amount. This, however, I will myself say, is too large a sum to throw away upon this or any other project; and if the Representatives here are not in earnest and do not intend to make the needful appropriations hereafter shown to be necessary by the commission provided for by the bill, it is money thrown away. While my judgment would warrant me in supporting with good cheer the amendment offered by the gentleman from Louisiana, [Mr. ROBERTSON,] yet in deference to the committee reporting the bill and the apparent great majority of the House, with like good cheer I shall support the bill as reported, hoping and believing this to be the beginning of the greatest international work ever entered upon by this Government.

It is hardly possible that any member of this House can doubt the capacity of the commission which may be appointed under the provisions of this bill, if enacted, to report methods for the improvement of the river in which he will not have far more confidence than any now occurring to his mind. If our hopes of the success of the commission shall be realized, and it matures a system of improvements upon which we can confidently enter, there should be no hesitancy on our part, be the cost small or great. Great ends are always accomplished by great means. If this bill shall pass the Congress, the country will hail its passage with delight, and hopefully look to the commission and to us for evidences of its and our intelligence and sincerity by action worthy of so great a cause. No faint show of activity will answer for delay. The eyes of the expectant people and the scientific world will at once be turned toward the commission; no body of men could have higher incentives to earnest research. Failure upon their part will bring sure reproach, while success will bring all that the highest ambition can covet.

Honest and intelligent labor by the commission can, therefore, be reasonably expected. Doubtless their already high character as scientists will vouchsafe it. When, then, their report is made, unless our fondest expectations are blasted, we shall have presented to us a duty to perform which cannot be avoided. Heroic constitutional scruples, of which some members seem at present possessed, will not answer the public demand. Amendments have been offered and speeches made which indicate a belief on the part of those offering and making them that it is a crime against the Constitution to appropriate a single dollar for the great agricultural interests of the people, while countless millions may be expended for the promotion and regulation of commerce. What is commerce? Take from the trade the products of the Mississippi basin, and how does the commerce of this country, both inland and foreign, stand affected? Imagine how the commerce of not only this country but the commerce of the world will certainly be affected when the lands of the Mississippi River Valley shall be reclaimed and yield to the hardy hand of industry a full reward for the labor which their fertility will invite and must command.

Why, sir, when that day comes, and come it will, Arkansas which in part I am trying to represent here, can and will yield productions of cotton from lands now regarded as worthless, equal in amount to half the entire productions of the country at this time. Better lands and a better climate for its production have yet to be discovered. Already my State, with the wide-extended belt of her best lands lying on the Mississippi throughout the entire eastern border inundated, yields a greater product of cotton in proportion to population than any State in the Union. That which is true of Arkansas is likewise true of Mississippi, Louisiana, and other sections of that valley. It is manifest destiny that in the near future, so to speak, the hitherto unreclaimed and untitled rich alluvial lands of the Mississippi Valley must produce the bulk of the cotton crop of the United States, and the poorer uplands now producing it in great part be devoted to other culture.

Economy, good husbandry, and the national welfare unceasingly point to such a result. If the steps to be taken to improve the navigation of the Mississippi River shall tend likewise to reclaim the inundated lands, shall the enterprise be abandoned because, forsooth, private land-owners may to some extent be benefited? Can human wisdom devise a great constitutional work in the interest of commerce that does not presumably benefit each and every citizen, private land-owners included? Will not the reclamation of these immense tracts, partly owned by the Government, give to commerce its cheapest and best support, abundant and cheap cotton production? Our scrupulous friends must betake themselves to thought and consider further. It cannot be that our greatest boast, the Constitution, shall be a barrier against utilizing the natural resources with which we are so abundantly blessed. The country is too great, its resources too numerous for its destiny to be controlled by the narrow-gauged reasoning which obstructs progress. Progress we must. For and in behalf of my people I invoke the support of my fellow-representatives to the passage of this bill.

The Labor Question as affected by Chinese Immigration.

SPEECH OF HON. WM. W. CORLETT,

OF WYOMING TERRITORY,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 28, 1879,

(On the bill (H. R. No. 2423) to restrict the immigration of Chinese to the United States.)

Mr. CORLETT. Mr. Speaker, I avail myself of the opportunity which has been afforded to express my views to the House upon the questions involved in this bill because to the people of the Western States and Territories they are questions of much more than general interest. To those who have actually observed and studied the phenomena attending the introduction of the Mongolian race into this country any measure of the kind now before this body must not only be a subject of the deepest interest but likewise of the greatest importance. The influences which are being exerted upon the political, social, and industrial institutions of this country by the presence of this alien element of the population, and which must display themselves in a much wider and more intensified degree hereafter if Chinese immigration shall be permitted to continue, demand at once the attention of all persons who have any concern for the welfare of the people of this country. Especially does the problem commend itself to every man to whom in any degree has been intrusted either the obligation of inculcating a knowledge of right principles or the equally important obligation of shaping legislation embodying and enforcing such principles.

It is fortunate indeed for the people of the United States that they are brought thus early to confront an alleged evil in their midst and to deal with it as a peril that will no longer admit of any delay in its treatment. However unworthy may have been the motives and purposes, as has been charged, of those who have obtruded this new factor of social disturbance upon our attention, we ought to be thankful to them for having done so. The complaint coming to our ears from the laboring classes of the people of the Pacific coast is not a simulated one. It is the genuine cry of distress which will always go up and be heard when the laboring element of a superior civilization is compelled to compete for subsistence with the laboring class in an inferior civilization. "Kearneyism," with all that the term implies, is not the cause of the discontent and clamor coming from the Pacific coast. It is merely the product and effect of abnormal unwholesome conditions affecting a considerable portion of the people of that region, which state of affairs has resulted, in part at least, from the rapid influx of a large body of Chinamen, producing at once, by the suddenness of the irruption as well as by the peculiar character of the new comers, not only a superabundant supply of labor, with all the natural consequences of such oversupply, but also a competition between the working people already established in that country and their new rivals for employment upon a basis involving the destruction or at least the degradation of a portion of the American people. Such a disaster to the interests of labor cannot be waved aside or put out of sight by sneering at the demagogues who willingly take advantage of the suffering and inconvenience which the constantly increasing pressure of the new type of laborers upon an already exhausted demand therefor causes.

The murmur of discontent and disorder which has made itself heard here is altogether too deep-seated and intense to have been produced by the arts of any man, however adroit he may be in detecting and controlling the impulses of his fellow-men. The political agitator may easily take advantage of a storm of popular clamor, and may place himself at the head of it and go with it, and in that sense may be its leader, but he can neither create nor control the storm. Such a cause would be entirely inadequate according to well-known laws to produce such an effect. Demagogues themselves are but the natural and baleful effects of causes that are unhealthy, noxious, and always tending to disorder and decay. The only way in this, or in any popular government, to get rid of demagogues, is to first rid ourselves of the causes that bring them forth. When you cut off the demand for them, then the supply will cease. Their occupation will then be gone, and they will devote themselves to some other and to be hoped more useful employment. This class of persons, who occasionally attract public attention to themselves, are by no means wholly useless. In fact, as trustworthy indicators of a diseased, disjointed, incongruous condition of things in the body-politic needing cure and amendment, they are highly useful if we will but accept the lesson which their development and success clearly teach us and profit thereby.

Neither can the problem which now confronts this nation be solved by an appeal to sentiment or to any general principles concerning the "brotherhood of man" or "inalienable rights," however well such notions may suffice to satisfy what Charles Dickens designated the "telescopic philanthropy" of the times. The "gospel of gush" is much too abstract and too narrow to furnish a guide when we find ourselves under the necessity of acting upon a question so intensely imminent, urgent, and practical as the question now at hand, because, as I believe, the inquiry of the problem is no less than the stupendous one as to how labor can receive a recompense sufficient for its

mere subsistence without a loss of much of that civilization and its fruits which it now enjoys. So long as self-preservation is the first law of nature no person can be expected to yield assent to a rule which subverts or impairs this first and highest law. And I beg to suggest here that it is not a mere physical existence which the laborer of this fair land seeks to preserve and enjoy, but a physical existence under those conditions and circumstances to which he has been so long accustomed that they have become a necessary part of his being. Under the theory of our institutions labor may justly demand more than this. It may demand as a right the opportunity to progress, to lift itself out of that dull round of ceaseless toil for a mere animal subsistence and into a position where it may exercise those more exalted faculties of human nature possessed as well by the humblest and meanest as by the greatest and most exalted of mankind.

Is this aspiration just? Ought the legislative and every other power in this Government respect that aspiration and endeavor to promote the gratification of it? Does the threatened invasion of this country by the Asiatic laborer imperil the realization of this aspiration and hope in a degree demanding that the agencies of the Government shall be exerted to obstruct the coming hither of the hordes that are ready to swarm forth from the Oriental hives? Does the Federal Government, under its own municipal law, and under the international code to which all nations are subject, possess the power to put in operation the restrictive measures proposed by the bill now before the House? If those powers are possessed by the nation, is it right and expedient that they should be called into use and employed to prevent a particular class of people from coming among us and competing with us for the bounties of nature and the rewards of effort?

That all these questions are properly involved in the scheme now proposed is obvious. No such questions have ever before been propounded to the American people for an answer. Heretofore immigration to this country brought among us a people of our own race, with like aspirations, like tastes and necessities. Whatever differences existed between the natives of this country and the foreign classes who came here were of a transient, accidental, and superficial nature which at once surrendered themselves under the genial influences of our institutions and laws, and so constituted but a temporary impediment at most to the complete and perfect assimilation of the foreigner into our social and political fabric. Accordingly, heretofore we have not sought to discourage immigration to this country, but on the contrary have very properly adopted the policy of encouraging it, such policy having tended in an eminent degree not only to the development of the vast resources of the country, but in many ways to the mutual benefit of both natives and foreigners. He who would, however, undertake to construct an argument from our past policy in reference to immigration which would be applicable to the question now at issue must have been struck by that species of blindness which cannot see because it will not, or else he wholly misunderstands the scope of the present inquiry and thus convicts himself of impertinence and ignorance in undertaking to discuss it. The real, vital, substantial allegation in the present case, and indeed the only one upon which the Chinese are sought to be excluded from this country in the future, is that the Chinese by reason of their long existence as a part of a peculiar political and social system have acquired certain fixed and, so to speak, organic peculiarities of both physical and mental constitution, which, together with their almost exhaustless myriad of numbers, enable them to work for wages which are wholly inadequate to the subsistence of the American or European laborer in such a decent manner as is compatible with that progress for which we contend. The vast number of the Asiatic tribes who manifest an inclination to plant themselves in our midst and who will in all probability come to the country if we do not inaugurate measures to prevent it will constitute an inundation of immigration that will be but too sure to submerge everything before it. This danger is not merely conjectural. The first swell of the wave is already upon us and at our doors.

The first low wash of waves, where soon
Shall roll a human sea.

The wisdom which perceives the danger thus soon and applies the remedy needed is the prime wisdom, but we shall never get it if we apply to those who seek to draw parallels from our past policy upon this subject, or indulge in rhapsodies of feeling about the value and obligation of philosophical abstractions. This latter class of persons deliberately or unwittingly, by reason of prejudice or incapacity, undertake to conceal that peculiar element in the present case which causes it to differ so widely in itself and so vastly in its consequences from all other cases. They therefore, by such course of fallacious reasoning, delude themselves or undertake to delude others. However successful they may be in clouding their own reason and obscuring their own vision by indulging themselves in the impetuosity of their own ardent, indiscriminating feelings, I trust that no one reasonably clear-headed or clear-sighted will be beguiled away from the facts which distinguish this question now before us from any one upon which Congress has heretofore ever been called to pass.

THE BILL OF THE COMMITTEE.

It is not my purpose at this time to consider the provisions of the bill, now before the House for action upon the report of the committee to whom it was referred, with any degree of particularity, nor is it my purpose to defend the bill so far as it proposes a method of se-

curing a desirable result, except so far as it may be necessary to show that it is within the power of Congress to pass the bill and that the means proposed are not so unwise as to justify us in rejecting the bill if we favor the end proposed by it. The bill has been severely and, in my opinion, very justly criticised as a measure utterly inadequate to secure the result aimed at by its authors, and as involving an unnecessary and rude departure from that spirit of comity which should characterize the conduct of all sovereign nations in reference to any matter of international import; a spirit which I trust the United States will not wantonly decline to exhibit as one of the civilized nations of the earth. The bill should have been so framed and guarded as to provide for the absolute prohibition of any further immigration of the Chinese into this country from any source whatever or by any means whatever. The merest glance at the bill will disclose that its object may be wholly evaded without violating its terms. Chinese passengers may still be landed in British America or Mexico and taken from thence by land into the United States without any violation of the terms or, perhaps, even of the spirit of this bill. So, too, as to the international feature of the case.

The bill is of course in contravention of the terms of an existing treaty between the United States and the Chinese Empire. While there is as I think, and as I shall hereafter endeavor to show, no doubt as to the power of the legislative department of this Government to abrogate that treaty by its own act and without any negotiation with or even notice to the other party to the compact, still it is difficult to conceive of any sufficient reason why such negotiation should not be had, or at least prior notice given, before this legislation should by its terms take effect and be operative. This treaty was entered into, I believe, upon the earnest and persistent importunity and solicitation of this nation. It has even been suggested that the compact was extorted from the Chinese Empire by means not altogether so gentle as fair argument addressed to a party wholly at liberty to accept and be persuaded or reject and refuse to be persuaded. All writers upon public law agree that a nation seeking to escape from the obligations of a treaty should give notice of its intention not to be further bound, and such a course, independent of any positive authority, would seem to be the dictate of prudence under all ordinary circumstances. Besides, the treaty which this bill proposes to abrogate in a most abrupt and indecorous manner contains important commercial stipulations and compacts that are undoubtedly valuable both to the United States and China. As we cannot be so unreasonable as to claim any benefit under and by virtue of a treaty to which we refuse to be bound, the passage of this act will amount, at the election of the Chinese Empire, to an entire abrogation of the treaty. I doubt not such a result might, by appropriate and timely diplomatic action, have been obviated, and that any commercial rights or advantages now existing under the treaty might have been retained and the treaty duly modified to meet the exigencies of our situation and the requirements and welfare of our own people.

For one I should certainly have much preferred to see a more moderate and reasonable course pursued, although no one can feel a more abiding and absolute conviction than myself of the necessity of wholly prohibiting the further immigration of Chinamen to this country at an early date. While such are my own personal views as to the method of the bill, and while I believe a much better and more stringent measure ought to have been devised and brought here for action, still I do not think this bill ought for that reason to be defeated. The evil which it is intended to suppress is so enormous in its proportions that any want of skill in shaping the measure is not for a moment to be weighed against the unwisdom of no legislation at all. The committee who have had this matter before them and who now recommend the measures have undoubtedly given it careful consideration and believe it to be adequate for the purpose in view, and think that action should be taken without the delay and intervention of diplomatic agency and negotiation. Those are questions of mere detail, about which men will always differ, and I see no reason therefore why such a difference of opinion between the committee and any man favoring any measure having the purpose of this one should induce the latter to oppose the passage of this bill, especially as the committee in its wisdom refuses to permit amendments to be offered in addition to those proposed by the committee. As a practical question of legislation, therefore, everybody must choose between such a law as the committee has proposed or no legislation at all; and the duty of every person who believes that Chinese immigration is a great evil to be suppressed without unnecessary delay is therefore made indubitably clear and imperative.

THE LEGAL ASPECTS OF THE QUESTION.

The right as well as propriety of passing this bill is disputed as being a violation of the Constitution of the United States, or at least as being an attempt to exercise a power not conferred upon Congress, and also as being in conflict with international law. It is also said that Congress has no moral right to adopt such legislation as that which is now being ventured upon, and that at all events it is not expedient or desirable that either the power or the right should be exercised even if they exist. In other words, the debatable issues in this case may be summed up as follows:

1. Does the legislative authority of this Government under the Constitution and under the law of nations possess the power or authority to enact the proposed legislation?

2. Does the legislative authority possess the moral right to inaugurate the policy proposed by the bill before us?

3. If such power and right exist, is it expedient to exercise them?

As every nation is subject to the obligations imposed by the law of nations as well as its own constitution, I concede that in order to answer the first inquiry just submitted it is necessary to show that the power claimed is not forbidden either by the Constitution of the United States or by international law, and that its exercise properly belongs to the Federal Government as one of express or implied powers. We may therefore first consider the question of the

CONSTITUTIONALITY OF THE POWER

now sought to be exercised. The controversy upon this point is complicated by the existence of the treaty before referred to between the United States and China, which contains the following provisions:

ARTICLE V.

The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects, respectively, from one country to the other, for purposes of curiosity of trade, or as permanent residents. The high contracting parties, therefore, join in reprobating any other than an entirely voluntary emigration for these purposes. They consequently agree to pass laws making it a penal offense for a citizen of the United States or Chinese subject to take Chinese subjects either to the United States or to any other foreign country, or for a Chinese subject or citizen of the United States to take citizens of the United States to China, or to any other foreign country, without their free and voluntary consent respectively.

ARTICLE VI.

Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities, or exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation. And, reciprocally, Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation. But nothing herein contained shall be held to confer naturalization upon citizens of the United States in China, nor upon the subjects of China in the United States.

ARTICLE VII.

Citizens of the United States shall enjoy all the privileges of the public educational institutions under the control of the Government of China; and reciprocally Chinese subjects shall enjoy all the privileges of the public educational institutions under the control of the Government of the United States, which are enjoyed in the respective countries by the citizens or subjects of the most favored nation. The citizens of the United States may freely establish and maintain schools within the Empire of China at those places where foreigners are by treaty permitted to reside, and, reciprocally, Chinese subjects may enjoy the same privileges and immunities in the United States.

The inquiry in this case is therefore narrowed down to this: can the legislative department of the United States pass a law of the tenor proposed in the bill with a treaty existing between it and China containing the articles just cited, there being no provision in the treaty itself for terminating its binding force and authority?

Those who answer this question in the negative seem to have considered a treaty as possessing some vigor and authority superior to and overriding the laws of the United States. This inference is not warranted by the Constitution itself, because that instrument merely declares that "this Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made under the authority of the United States, shall be the supreme law of the land," but does not either in terms or by necessary implication or otherwise give to treaties any other dignity, force, authority, or perpetuity than is assigned to a law of the United States. The notion that treaties to which the nation is a party have or ought to have any binding obligation or efficacy superior to the laws probably grew out of the fact that treaties are made by the President and the Senate alone as representatives of one of the contracting parties, and from the further fact, which is much more significant, that a treaty is concluded not alone by the United States, but by the joint act of the United States and some other independent sovereign power. The inference drawn from the fact that the treaty-making power of the United States is lodged with the President and Senate is shown to be unwarranted and invalid when it is remembered that the law-making power is lodged with the same President and Senate and with the House of Representatives as a co-ordinate and equal party. If the treaty-making power in the Government resided either wholly or partly in some other department of the Government than the President and one of the legislative bodies the argument that a law could not repeal or annul a treaty would have great force; it might, indeed, be considered conclusive. It so happens, however, that when a law is passed which is incompatible with a treaty the same agencies which negotiated the treaty in behalf of the United States by giving formal assent thereto do, in the very act of agreeing to such incompatible legislation, withdraw the very assent which had been previously given to the treaty, and do thereby imply necessarily a renunciation of the assent formerly given in the making of the treaty. The party by whose will a treaty is made can of course revoke that act, unless there is something in the nature of a compact between sovereign nations or the rules of international law prohibiting such revocation—a proposition which I will consider in another connection.

Again, those who urge that the assent of both or all the sovereign parties to a treaty is necessary to its revocation as well as to its creation lose sight of the facts that compacts between nations are peculiar in their nature, and so far at least as the United States is concerned cannot in the slightest degree surrender or abridge the sovereignty or independence of the nation. Nor can this Government lawfully enter into any compact, through the agency of its treaty-

making servants, which will be in conflict with the Constitution itself. Whatever, therefore, may be the binding force of the treaty now under consideration upon this Government morally, the power to amend it or to refuse to be further bound by it cannot be denied without implying that the sovereignty and independence of the United States may be bartered away by agents possessing only special and defined powers, none of which, however, reveal by the most strained and far-fetched construction the existence of any such authority.

Fortunately, however, this proposition has on several occasions been the subject of judicial consideration and determination by the judicial tribunals of the United States, including the court of last resort, the final arbiter in controversies of this nature, and from whose judgments under our system there can be no appeal.

In the case of *Taylor vs. Martin*, reported in 2 Curtis's C. C. Rep., page 454, the court says:

It is impossible to maintain that under our Constitution the President and Senate exclusively possess the power to modify or repeal a law found in a treaty. If this were true, no change in a treaty could be made without the consent of some foreign government. That the Constitution was designed to place our country in this helpless position is a supposition wholly inadmissible. It is not only inconsistent with the necessities of a nation, but negated by the express words of the Constitution. That gives to Congress, in so many words, power to declare war—an act which *ipso facto* repeals all treaties inconsistent with a state of war. To refuse to execute a treaty for reasons which approve themselves to the conscientious judgment of a nation is a matter of the utmost gravity; but the power to do so is a prerogative of which no nation can be deprived without deeply affecting its independence. That the people of the United States have deprived their government of this power I do not believe. That it must reside somewhere and be applicable to all cases I am convinced, and I feel no doubt that it belongs to Congress.

If the principles enunciated in the opinion just quoted are correct, they conclude all argument as to the power of Congress to pass the measure now before it; and if those principles are not correct, then it must be confessed that the organic law of the nation by which its sovereignty was created and secured contemplated the existence of an authority in the Government with legal power to deprive it of one of the most important attributes which the Constitution itself was intended to confer upon the political organization created by it. As the court whose opinion has just been quoted well says, such a supposition is wholly inadmissible.

The Supreme Court of the United States in "the Cherokee tobacco" case, reported in 11 Wallace Reports, 616, expressly recognized the authority of the case from which quotation has just been made, and follows and enforces the same rule in the case then before it. In this case the Supreme Court (11 Wallace, 620-621) says:

But conceding these views to be correct, it is insisted that the section cannot apply to the Cherokee Nation because it is in conflict with the treaty. Undoubtedly one or the other must yield. The repugnancy is clear, and they cannot stand together. * * * It need hardly be said that a treaty cannot change the Constitution or be held valid if it be in violation of that instrument. This results from the nature and fundamental principles of our Government. The effect of treaties and acts of Congress when in conflict is not settled by the Constitution. But the question is not involved in any doubt as to its proper solution. A treaty may supersede a prior act of Congress, and an act of Congress may supersede a prior treaty. In the cases referred to these principles were applied to treaties with foreign nations. * * * The consequences in all such cases give rise to questions which must be met by the political department of the Government. They are beyond the sphere of judicial cognizance. In the case under consideration the act of Congress must prevail, as if the treaty were not an element to be considered. If a wrong has been done, the power of redress is with Congress, not with the judiciary, and that body upon being applied to, it is to be presumed, will promptly give the proper relief.

These decisions illustrate and establish in the most emphatic and unequivocal manner the power of Congress to legislate upon the subject we are now considering, notwithstanding the terms of the treaty, and demonstrate in the most satisfactory form the power to push such legislation to the extent of annulling the treaty.

THE LAW OF NATIONS.

But what declares the law of nations upon this subject? I would not for a moment contend for the exercise of any power by this Government which is prohibited by those rules under which civilized nations find intercourse tolerable or possible. Notwithstanding the supreme importance to this people of the adoption of the policy now proposed, we must forego its enforcement if public law so decrees. If the law of nations requires us to submit, submission is our imperative duty, and the case is but another illustration of that wise rule of human conduct which requires that a particular evil should be borne rather than a greater and more general evil should ensue. Assuming, as the opponents of Chinese immigration to this country do, that it is prejudicial to the country and to its healthy growth and true prosperity, the right to restrict that immigration altogether, and that, too, in defiance of existing treaty stipulations, is guaranteed and reserved to us as a nation by the plain language of that code of public law which should regulate the conduct of sovereign authorities, and to which we now appeal for light. Vattel, in speaking of the faith of treaties even when entered into with the solemn sanction of an oath as a pledge of their guarantee and fulfillment, says:

Thus also an oath cannot give validity to a treaty that is of its own nature invalid—justify a treaty that is of its own nature unjust—or impose any obligation to fulfill a treaty, however lawfully concluded, when an occasion occurs in which the observance of it would be unlawful. * * * In short, every treaty made for a dishonorable purpose, every treaty prejudicial to the state, or contrary to her fundamental laws, being in its own nature void, the oath that may have been added to such treaty is void likewise, and falls to the ground together with the covenant which it was intended to confirm.—*Vattel's Law of Nations*, section 228.

The same authority, section 160, says:

Though a simple injury or some disadvantage in a treaty be not sufficient to invalidate it, the case is not the same with those inconveniences that would lead to the ruin of the nation. Since in the formation of every treaty the contracting parties must be vested with sufficient powers for the purpose, a treaty pernicious to the state is null and not at all obligatory, as no conductor of a nation has the power to enter into engagements to do things capable of destroying the state for whose safety the government is intrusted to him. The nation itself being necessarily obliged to perform everything required for its preservation and safety (Book I. sec. 16, &c.) cannot enter into engagements contrary to its indispensable obligations.

If Vattel's Law of Nations is good authority upon that subject—and I apprehend there is no denial from any quarter that it is—then it will be seen from what has just been quoted that the fact that the provisions of the treaty between the United States and the Empire of China permit the free and unrestricted emigration of citizens of China to this country does not constitute an insuperable impediment to the passage of the restrictive law which is proposed. The existence of that treaty simply imposes upon Congress the duty of determining, in advance of and as the basis for such legislative action, whether, in the language of Vattel, the treaty is "pernicious to the state," or that it "would lead to the ruin of the nation," or is "prejudicial to the state." These facts being ascertained with reasonable certainty, it not only becomes the privilege of this Government to annul the treaty with China, but its most solemn and immediate duty.

That the facts will abundantly warrant the course of action which is contemplated by those who agitate the prohibition of Chinese immigration, I do not doubt; but I will endeavor to present the proofs in another connection.

In speaking of what may be considered the legal aspects of the controversy in which we are now engaged, I have by no means forgotten, nor have I been unmindful of, the language of article 5 of our treaty with China, which declares that "the United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of free migration and emigration of their citizens and subjects respectively from one country to the other for purposes of curiosity, of trade, or as permanent residents." Neither do I forget the immortal words in the great charter of American liberty and American institutions, "that all men are created free and equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness." Difficulties supposed to stand in the pathway of legislative action by reason of the fundamental maxims which I have just referred to are not obviated or overcome by being ignored. Such maxims justly have great influence with the progressive thought of the age in whose aspirations I claim to have a part, and therefore I deem it to be all the more necessary to examine somewhat the claim that the possession of these "inalienable rights" by man precludes the imposition of any restriction by a nation upon the immigration of other peoples to its dominions.

As a statement and enunciation of principles of moral philosophy, capable of demonstration by the severest rules of logic, the extracts from the Declaration of Independence and the fifth article of the Burlingame treaty express deductions that I believe to be true, and admirable because true. The force and effect of these expressions of broad, comprehensive, and indefeasible rights in man cannot be destroyed by a construction of the terms of the expressions limiting their application to the Caucasian race or to any designation that does not include all men. Such a construction not only trifles with the meaning of language, but robs the great principles which the expressions were intended to embody of all the moral grandeur which have commended them to the philanthropic instincts of mankind and of that greater grandeur which, like a halo of light, ever invests a great and perfect truth. In this argument I disdain to employ any such subterfuge as would either deny the truth or the value or the universal application of the principles just stated. As the truths involved in them cannot be denied, neither must they be emasculated by puerile constructions. But while I thus concede to the philosophical deductions found in the Declaration of Independence and the fifth article of our treaty with China their fullest meaning, I do not by any means concede that they are practical or even possible of practical application among all the people of the earth under all their varying conditions and circumstances.

In the present stage of the world's history all men are more or less imperfect. The happiness and welfare of all men are more or less dependent upon the temporary continuance at least of conditions and circumstances which, although not necessarily of permanent continuance, yet should be continued until such time as the improvement and progress of human affairs admit of a change in such conditions and circumstances. Government is an art, and not either a science or an instrument designed to test the principles of a scientific philosophy. It is a practical system, having in view the happiness of those subject to its jurisdiction, and in all its measures looking to that end it must have due regard to human nature as it is, and not to what it should be. It must, therefore, in its policy recognize and give due weight to everything in the character of its own subjects, in their antecedents and circumstances, which renders any change in their situation injurious. Such a rule is the rule of wise statesmanship and is recognized and applied every day even by those who

are the most wedded to general principles and who express the greatest contempt for the doctrines of expediency. Neither does this rule of expediency involve any repudiation of general principles. On the contrary, it expresses a higher wisdom by recognizing them as the perfect law for perfect men on the one hand, and by bringing the practical legislation up to them so fast and so far as the increasing perfection of human nature and the changing circumstances of its situation will safely permit on the other.

To illustrate more clearly what is here meant let us take the quotation made from the Declaration of Independence. No one can pretend that the principle of that declaration respecting the rights of man was carried into and adopted by the government which afterward resulted from the Revolution of which the Declaration of Independence was at once the watchword and plea of justification. On the contrary the nation which was born of that revolution by the express words of its fundamental law not only did not recognize and protect the equality of man as an inalienable right, but actually permitted one man to own and control the person and labor of another against that other's consent. In the view of those, therefore, who acknowledge no difference between theoretical principles and what should be the actual administration of government, the founders of the Government established it and secured sympathy and aid at first and recognition afterward by means of a huge imposture and the practice of a disreputable game of false pretense. Fortunately, however, the history of the transactions of the founders of this Government impugn neither their honesty nor their practical wisdom. As philosophers seeking to express truth, they expressed it in all the beauty and perfection of completeness. As statesmen they did not attempt the impossible in framing the fundamental law of the nation. They dealt with men and things as they found them, applying the propositions of a perfect system just as far as the exigencies of the situation and the adaptation of men would admit. This after all is and always must be the highest wisdom, and distinguishes the useful man of affairs from the Utopian dreamer. It separates by a clear line of demarcation the active and comprehensive intellect whose notions are derived from and so are adapted to a clear knowledge of the relations of man not only to his fellow-man, but also to his manifold circumstances and antecedents, from the visionary mind whose conceptions are too often but vague sublimities incapable of realization except in some imaginary state of affairs.

The statement of the Burlingame treaty that the right of man to change his home and allegiance is inalienable should never have been incorporated in the treaty, however correct that statement may be, because it is the province of a treaty to express stipulations between the contracting parties, and not to promulgate or teach the principles of moral or political ethics. A truth in ethics is not so because of the act of anybody declaring it to be a truth; besides, as already intimated, it is the business of a government, in treating with other powers, to stipulate according to the requirements of its own citizens, and not with reference to principles wholly inapplicable to its condition.

These views lead up to the remaining questions which were before stated, namely: first, does the legislative authority possess the moral right to inaugurate the policy proposed by the bill before us; and, secondly, if such power and right exist, is it expedient to exercise them; which I will consider together.

In the first place, it cannot be denied that an act derives, or at least may derive, its moral character from the circumstances attending it. If I strike a man it may be both immoral and criminal, as in case it is done for the purpose of committing robbery upon another, while the same kind of an act may under other circumstances be not only innocent, as in case it be inflicted in lawful self-defense, but commendable, as where it is given in a lawful and proper manner for the purpose of preventing the commission of a crime. This illustration is trite enough, and yet it would seem necessary in view of the positions assumed by those who oppose this legislation. I hope to prove the value of the illustration before I conclude by facts demonstrating the overwhelming evils of unlimited Chinese immigration to this country—an immigration which would be likely, by reason of causes well understood by those who have closely observed them, to destroy the present labor system of this country and thus produce the incalculable pain, inconvenience, and hardship necessarily involved in the process, with no compensation for all this except the substitution of a system of labor incompatible with a high civilization and with that independence of character indispensable to the perpetuity of freedom and free institutions—a "cheap and docile" system of labor, as its friends choose to name it, upon which tyranny and caste can rest without fear of overthrow.

That the United States may by timely precautions protect itself from such an impending calamity is the voice of all reason and the demand and dictate of all enlightened philanthropy; and this voice of reason has expressed itself in the undisputed maxims of international law.

Mr. Wheaton, in his treatise upon international law, says:

Every nation exists of itself and for itself, and not by the grace or for the benefit of any beyond its boundaries. The nation's chief duty is to attend scrupulously to its own welfare. It should pursue its own ends by its own means, strenuously perfecting its organic law and enhancing its internal vigor.

Again, the same authority says:

One of the most essential and important rights of a State and that which lies at

the foundation of all the rest, is the right of self-preservation. It is not only a right with respect to other States, but a duty with respect to its own members, and the most solemn and important which the States owes to them.

Still more explicit is Vattel in his great work upon public law, as some extracts will abundantly show. After stating that it is the duty of every nation to preserve itself, he adds:

If a nation is obliged to preserve itself it is no less obliged carefully to preserve all its members. The nation owes this to itself, since the loss even of one of its members weakens it and is injurious to its preservation. It owes this also to the members in particular, in consequence of the very act of association, for those who compose a nation are united for their defense and common advantage; and none can justly be deprived of this union and of the advantages he expects to derive from it, while he on his side fulfills the conditions.

Since, then, a nation is obliged to preserve itself it has a right to everything necessary for its preservation; for the law of nature gives us a right to everything without which we cannot fulfill our obligation. * * * A nation has a right to everything that can help to ward off imminent danger and keep at a distance whatever is capable of causing its ruin; and that from the very same reasons that establish its right to the things necessary to its preservation.—Vattel's *Law of Nations*, sections 17 and 18.

The same author sums up the discussion as to the general duties of a nation in these words:

A nation, therefore, ought to prevent and carefully to avoid whatever may hinder its perfection and that of the State, or retard the progress either of the one or the other.—*Ibid.*, section 22.

The same author, in enumerating the objects of a good government, lays down a most explicit rule, having a direct application to one aspect of the question now before the House:

A wise conductor of the state will find in the objects of civil society the general rule and indication of his duties. The society is established with the view of procuring to those who are its members the necessities, conveniences, and even pleasures of life, and, in general, everything necessary to their happiness; of enabling each individual peaceably to enjoy his own property and to obtain justice with safety and certainty, and finally of defending themselves in a body against all external violence. The nation or its conductor should first apply to the business of providing for all the wants of the people and producing a happy plenty of all the necessities of life, with its conveniences and innocent and laudable enjoyments. * * * To succeed in procuring this abundance of everything it is necessary to take care that there be a sufficient number of able workmen in every useful or necessary profession. An attentive application on the part of government, wise regulations, and assistance properly granted will produce this effect without using constraint, which is always fatal to industry. Those workmen that are useful ought to be retained in the state; to succeed in retaining them, the public authority has certainly a right to use constraint if necessary.—Vattel's *Law of Nations*, sections 72, 73, 74.

These propositions, coming from so eminent an authority upon public law, establish beyond all controversy the fact that it is the moral duty of a nation to adopt such a policy in respect to the industrial classes of its citizens as will at least afford them an opportunity for the employment of their energies upon terms sufficiently remunerative to place them above want, and to enable them to enjoy to some extent the benefits of a progressive and enlightened civilization. But I undertake to say, and will undertake to prove, that the obligation of government toward its people in this particular cannot be fulfilled if we permit a substitution of the Chinese system of labor for our own, or if we allow a state of things to creep in and develop itself here which will have the effect of reducing the wages of labor to the standard which prevails in Oriental countries.

If, therefore, it can be made to appear that the United States cannot discharge this moral duty to its industrial classes except by the prohibition of a further influx of Chinese labor, it will follow that the duty to make such prohibition is clear and undoubted. There can be no breach of moral duty in the performance of an act which is of itself a moral duty.

So far as this question of the prohibition of immigration comes within the cognizance of international law, it is not left by the authorities and writers upon that code in any doubt. It is a prerogative so well recognized that we need not arrive at the conclusion of its existence by inferences drawn from a consideration of the general powers and duties of states. I quote again from Vattel, section 94:

The sovereign may forbid the entrance of his territory either to foreigners in general or in particular cases, or to certain persons or for certain particular purposes, according as he may think it advantageous to the state. There is nothing in all this that does not flow from the rights of domain and sovereignty. Every one is obliged to pay respect to the prohibition; and whoever dares to violate it incurs the penalty decreed to render it effectual; but the prohibition ought to be known, as well as the penalty annexed to disobedience. Those who are ignorant of it ought to be informed of it when they approach to enter the country.

The public law, therefore, in express terms vests every nation with the absolute power and right to exclude all foreigners, a prerogative by no means unreasonable when it is considered that foreigners living in a country do not thereby lose their citizenship in the country from whence they came, nor do they owe any allegiance in the country of their residence in case they decline to be naturalized. It would be most unreasonable if an alien people could betake themselves to a nation to which they did not owe allegiance and with whose institutions they did not sympathize and occupy such a country merely for their own gain and to the damage of the native population without the assent of the nation thus affected. Such a rule in the present arrangement of affairs between different nations and parts of the world might work the most mischievous results upon some peoples who would be without any remedy, and with the present universally accepted ideas concerning the sovereignty, independence, and duties of nations would be little less than absurd.

In the light, therefore, of the well-settled conclusions of international law upon the subject, as well as any valid course of reasoning,

I cannot but believe that the right, both legal and moral, is possessed by the United States to exclude the Chinese from our country so far as any further immigration is concerned, if such a policy is expedient or can be discovered to be honestly demanded by obligations due to our own people sufficiently weighty to justify a departure from the policy heretofore pursued. In other words, the whole controversy resolves itself into a question of political expediency, to be determined, like all other questions of that kind, by a candid examination of the facts of the case. This view does not by any means require the Government to restrain or discourage other classes of foreigners from seeking and finding a home in our land if such be their inclination, as some men who talk very much like demagogues would have us believe. On the contrary, it permits this people to encourage all such immigration as does not tend to produce irreparable evils among us. No one will deny that European immigration has been a great benefit to the United States. I see no reason why it may not continue to be desirable as a source of national growth and prosperity. The European who settles or resides in this country usually comes to find a home for himself and his posterity. He is, therefore, at the beginning of his residence here more or less predisposed to a favorable view of our institutions and form of government; he soon shakes off the traditions and the allegiance which bound him to the fortunes of another state; he soon takes upon himself the garb and assumes the performance of the duties of citizenship and allegiance; and all this he does voluntarily, without any constraint whatever; his habits of life, his ambitions, and his associations and his necessities, both physical and intellectual, are not so widely different from our own as to make him an unfair or a dangerous competitor in the struggle for existence and all its glorious possibilities. I trust, therefore, that it will always be our policy to invite these people to come among us and enjoy with us the best fruits of human endeavor. Doubtless it was an appreciation of the value of this addition from Europe to our great army of workers in this country that has led to the invention of such platitudes as the "inalienable right of man to change his home and allegiance;" "asylum for the oppressed and down-trodden of all nations," &c. As a matter of fact these doctrines have no application in the practical conduct of affairs, as I think I have already shown, nor can they be of much value in practice for many generations to come except to relieve the overcharged enthusiasm of flutulent orators upon occasions when we wish to be entertained rather than instructed.

So far as citizens of China have already availed themselves of the benefits of the treaty by taking up a residence in this country, they are entitled to the equal protection of our laws, as they are required to yield obedience to them in common with our own citizens. So, also, it would neither be expedient nor just to undertake to compel their exodus from our midst. I rather choose to consider the rights which they have already acquired in this country under a treaty, including the right of continued residence, as in the nature of vested privileges, which the common feelings of humanity and a due sense of justice prompt us to respect as inviolate.

The legal and moral right of this nation to exclude the further immigration of the Chinese to this country is, I think, clear, if the judgment of our own people approves such exclusion. The right to do so should not, however, be put in force capriciously or for fantastic or unsubstantial reasons. On the contrary, I freely concede that such a policy should not be resorted to except for grave and sufficient reasons commending themselves to the deliberate judgment of men who can weigh the facts of the case calmly and without prejudice. Let us inquire, therefore, if such reasons can be given. In other words,

IS THE EXCLUSION OF THE CHINESE EXPEDIENT?

In considering this proposition it may be taken for granted that many of the zealous advocates of such measures as that now before us have assigned as grounds therefor many propositions and arguments which are untenable and insufficient. Those who clearly perceive a wrong are not always able to state the true ground upon which it may be forcibly suppressed; others there are who are not content when they have maintained a proposition by an irrefragable argument, and who therefore supplement the true reason and the logical argument with that which will not bear examination and analysis. Especially is this true as to the proposition now before us. Intemperate zeal to get rid of a real evil on the part of those who have become deeply impressed with a sense of its true character has undoubtedly led many persons to use that for fact which is not sufficiently well authenticated, and to employ that for logic which is undeniably fallacy. The facts being disproved and the reasoning overthrown, many persons may be led to suppose that the proposition sought to be sustained is untrue. The best principles may be sadly injured in the estimation of the superficial by undertaking to prop them up by reprehensible means. Hence it is vastly important that the proposition now made in the bill before us should be advocated and defended by its true friends upon grounds that cannot be successfully assailed. It is not so desirable that the Chinese should be excluded from the United States for many reasons as it is that the reasons, be they many or few, should be sound reasons. To those who are candid in their examination of this subject I need only say upon this point that a proposition is not necessarily invalid because the arguments upon which it is based are defective. Chinese immigration may be an unmitigated curse to this land, demanding immediate suppression, though every argument thus far advanced in support of the

charge be a bad one. I am constrained to make these observations at this time because it has occurred to me that many of the positions taken by those who favor the legislation now sought are weak and indefensible.

It has been said that the Chinese should be excluded because they do not adopt our religious notions, and are impervious to the influence of the labors of our missionaries seeking to teach them religious truth. It is unfortunate, to say the least of it, that such an argument as this should have been obtruded into this discussion. Those who make it evidently believe that the inculcation and promotion of religious opinions are among the duties of government. Such a belief is, however, but the remnant of a delusion that has always been fatal to the real and permanent welfare of mankind. It is the monster parent of intolerance and persecution first, and war afterward, the evils which have been the greatest obstacles to the progress and the happiness of the race; but I need not dwell upon this. The organic law of this nation has provided that "Congress shall make no law respecting the establishment of religion, nor prohibiting the free exercise thereof." The United States has nothing to do with the subject of religion or religious worship. It is expressly prohibited from either making any law respecting the establishment of religion, or prohibiting the free exercise of the same. Any law, therefore, enacted for the purpose, or with the view of effecting either by direct or indirect means either of the prohibited things would be flatly and flagrantly unconstitutional; hence the law now proposed cannot be defended on this ground. The propagation of religious belief and worship is a matter for private effort and concern in this country, and not for the state. Let us hear no more, therefore, about excluding the Chinese because their religious views do not accord with our own; not having the power to adopt such a crusading policy, it is not worth while to discuss its inexpediency.

Of the same class with the argument just criticised is the averment that the Chinese in other respects than in reference to religion refuse to accept the ideas prevalent among the American people; and upon this is predicated the demand that if they will not accept our opinions they must not come among us. The committee reporting this bill go so far as to say that "homogeneity of ideas, and of physical and social habits, are essential to national harmony and progress." Is it possible that the committee meant to announce as its judgment that "homogeneity of ideas" is essential to progress, and to found thereon a justification for legislation calculated to stamp out "ideas" not supposed to be in harmony with the present intellectual views of this quarter of the globe? If so, it must be confessed that "progress" is a retreating instead of an advancing state of the intellect. The notion that mankind did not have any right to do its own thinking, to form its own ideas, and possess, express, and enjoy them, was common enough in an age of the world which by common consent has been designated "the dark ages;" but it has been generally supposed among thinking men during the last two hundred years that a man's ideas were sacred, and beyond the reach of repression by law. In fact, it has been thought that the right of a man to perfect freedom of thought, as well as the right to express it without interference by government, was the great intellectual achievement of these later times. As a matter of fact, "homogeneity of ideas" is not desirable, and even if it was, a government has no right to compel uniformity of opinion by law. Neither is uniformity of opinion, or, as the Committee on Education and Labor choose to style it, "homogeneity of ideas," essential to progress. On the contrary, it is the necessarily successful obstacle to all progress; for what is progress but a change from what is to something else supposed to be better? This change must be one of ideas as well as of practices. Now, every progress in thought uniformly occurs by reason of the fact that some person inspired by the boldness of genius and enterprise originates and teaches views not already known, and generally more or less in conflict with what is generally accepted. All advancement in the world of mind is based on this process. The very worst thing that was ever said of government is that by repressive action it destroyed this process, and thus produced stagnation and ultimate decay of the faculties of the mind. The idea that thought is free in this Government is one of its fundamental maxims. I trust the Committee on Education and Labor of this House did not intend to "educate" the American public into the exploded belief that it was either desirable or possible under the Federal Constitution to adopt any policy with the view of enforcing homogeneity of ideas, and that the expression in the report accompanying the bill before the House to which I have referred was not the product of due reflection. At all events, I hope it will never be insisted by those who favor a restriction of Chinese immigration, that the enforcement of uniformity of ideas should ever be made the basis or reason of such action. If what we aim at can only be secured at such a tremendous cost, then we would better forego the aim altogether.

Again, it is said that Chinamen are immoral in their conduct and are guilty of peculiar practices which justify their exclusion. This, on the other hand, is denied, and in their behalf it is alleged that a comparison between their conduct generally and an equal number of white persons in similar stations in life will disclose nothing to the disadvantage of the Chinese. The truth would probably be that in this particular the comparison would show that the Mongolians were inferior in some respects to the other races and in other respects were superior, so that upon a general balancing it would be doubtful who

were entitled to the palm for moral behavior. In many things moral conduct is much a matter of education and opinion, so that what one class of people regards as shockingly immoral another class considers only venial at the most. These differences of opinion on this subject are undoubtedly sufficient to account for some, at least, of the strong feelings of reprobation with which we regard certain phases of Mongolian character and conduct. We, however, are not the best, because not impartial, judges in making such comparisons. I therefore conclude that this charge against the Chinese is at least a doubtful one, and, however the fact may be, it seems to me that it furnishes no sufficient ground for the action now proposed. With that kind of immorality of conduct which affects only the individual guilty of it the public authorities have nothing to do. This is, I believe, the accepted maxim in all wise governments. Where, however, the conduct affects society in a degree sufficient for the law's notice, then the state within whose jurisdiction such conduct happens has full control over it, either to prevent or to punish, by means always supposed to be at its command, which means may be so framed as to be adequate to suppress the conduct complained of. The most effectual way to suppress immoral conduct—indeed, the only absolutely certain way—would be to destroy mankind altogether. The proposition to exclude Chinamen because they may be guilty of misbehavior has about it very much of the heroic remedy just suggested.

In my judgment all such untenable and questionable arguments should be abandoned. We cannot afford to sacrifice principles fundamental in our scheme of social organization for some merely temporary benefit. Great as the inconvenience of Chinese immigration is to this country, and great as it threatens to become, we cannot afford to get rid of that inconvenience at a price so enormous as the surrender of principles which are the very birthright of this nation. Nor is it necessary to make a choice of such alternatives. As I understand the facts of the case, the exclusion of the Mongolians can be placed upon grounds about which no question can justly be raised. I think it has already been made clear that a moral and legal sanction for the legislation now under consideration is vested in Congress by the rules of international law, and that this sanction exists even to the extent of permitting the United States to abrogate the provisions of a treaty. I now hope to show the expediency of putting into force this power in the Federal Government upon a ground and reason as to which the facts are undisputed and as to the propriety of which there can be no question, whether it be tested by international law, by our own Constitution, or the conclusions of the most enlightened judgment.

The ground upon which I justify the policy of the bill before us is

THE JUST PROTECTION OF THE ESTABLISHED LABOR SYSTEM OF THE UNITED STATES.

It must be manifest to every reflecting person that the condition and necessities of the laboring classes in any part of the world are generally controlled and fixed by antecedents and circumstances over which they themselves have had but a very limited part, or no part at all, in bringing about. Climate, food, and soil are undoubtedly the all-powerful agencies which fix the condition of the great body of mankind, while their necessities grow out of the condition in which they have long been placed. The labor system of the United States is based upon a state of affairs of long continuance, which permitted of such an apportionment of the products of labor to the laborer as furnished him with all the necessities of a certain form of life. That form of life is one of comfort and elegance as compared with the mode of living in which we find the same class of persons in other parts of the world, and especially that part of the world called the Chinese Empire. It furnishes the workman not only with abundant and wholesome food for himself, but also for his family. It also supplies him with the means of procuring clothing in sufficient quantities and of suitable kind for his needs and that of his family, together with comfortable habitations, with no overcrowding as to occupants, constructed and occupied with due regard to all known sanitary laws. In addition to all this, the laborer's wages in this country have heretofore been such as to admit him to the enjoyment of all the more important social advantages which enable him to develop his intellectual faculties, such as schools and such other institutions as produce like results. No system of caste has prevailed here serving to degrade the man who works to a state where he can neither desire nor appreciate anything beyond the mere demands of animal existence.

Now, anything that would abruptly change all this, (to take no higher or better view of the case,) and compel the laborer to content himself with greatly reduced wages, would be simply calamitous because it would cause great pain and distress. Greatly reduced wages imply a necessary deprivation of many means of gratifying the faculties to which they have been long accustomed. The suffering thereby caused is none the less real because the tastes and desires which can no longer be gratified are all above the plane of mere animal life. The American laborer has lived so long in the desirable condition in which we now find him that his present tastes and wants are organic and as much a part of himself as those lower needs which simply admit of mere existence. Ordinarily the condition of the people of all nations is one of growth through long periods of time. They are all more or less adapted to the condition in which they are found and wholly unadapted to any material change in that condition. Any such change, therefore, if it be calculated to cause deprivation and suffering, is not only to be deplored but to be avoided so far as may

be. To illustrate, let us take the city of New York which has a certain number of laboring people within it. The business of that city is such that it furnishes employment to all or nearly all of its laborers at certain wages. Now let us suppose that all the working people in Philadelphia should at one time go to New York and add themselves to the labor supply of the latter place. Extreme distress would be the inevitable result, as any one can see. But let us suppose again that this new addition to the labor supply of New York was composed of a class of persons who had grown up under institutions and circumstances of such a character that they could gratify all the necessities and desires which had ever been developed in their natures upon one-half of the wages which the working people of New York had hitherto found essential to their support in that form of life to which they had been accustomed. In that case the cheaper labor would not only inflict incalculable injury upon the system it came into contact and competition with, but would in time inevitably displace and destroy it.

This illustration will be more obvious when the character and effect of the labor which is introduced into this country by Chinese immigration is understood. In order that this may be understood by those who have not witnessed its effect I desire to submit some evidence as to the character of the Chinese so far as it affects this question of labor, and the actual result produced upon the labor system of this country where the two systems come in contact and competition. This subject was thoroughly investigated by a joint special committee of the Senate and House of Representatives of the Forty-fourth Congress and a report made thereon and printed, to which I have had access and from which I now make some extracts:

The testimony shows that the Chinese live in filthy dwellings, upon poor food, crowded together in narrow quarters, disregarding health and fire ordinances.

In this we have a picture as to the manner in which these creatures live; and their mode of living as thus described is not one of necessity but of choice. It seems to answer their wants and respond to all the demands of their nature, because it is agreed upon all hands that these people who thus live in the squalor of barbarism save up large sums of money and transmit the same to China.

Now, as to the effect which the invasion of this Chinese labor has had upon labor generally in San Francisco, where the investigation was made, and upon the ability of white labor to endure the competition, I read from the same report:

This evidence shows that the Chinese have reduced wages to what would be starvation prices for white men and women, and engrossed so much of the labor in the various callings that there is a lack of employment for whites. * * * While conditions should be favorable to the growth and occupancy of our Pacific possessions by our own people, the Chinese have advantages which will put them far in advance in this race for possession. They can subsist where the American would starve. They can work for wages which will not furnish the bare necessities of life to an American. They make their way in California as they have in the islands of the sea, not by superior force or even industry, although they are, as a rule, industrious, but by revolting characteristics, and by dispensing with what have become necessities in modern civilization. To compete with them and expel them the American must come down to their level, or below them, must work so cheaply that the Chinese cannot compete with him; for in the contest for subsistence he that can subsist upon the least will last the longest.

This report further declares that the testimony was concurrent, showing that the Chinese—

Work for wages which will not support white men, and especially white families; that they have no families of their own in this country, or very few of them, and that by the small amount and poor quality of food which they consume and their crowding together in close quarters, reducing individual expenses of rent, their having no families to support or educate, they are able to compete with white labor in all departments and exclude it from employment.

These, then, are the facts showing the character and effect of Chinese immigration so far as they enter into the question of labor in this country. These conclusions of the special joint committee are virtually undisputed. The late Senator Morton was a member of that committee, and there have been published what purported to have been his views, dissenting from the conclusions of the majority. These published views do not, however, take issue with the opinion of the majority of the committee as to the effect of introduction of Chinese labor upon white labor. This was the language of the late Senator Morton:

That Chinamen work for lower wages and perform the same amount of labor for less pay than white people is unquestionably true.

Throughout these views of Senator Morton there is a tacit yet clear admission that Chinese labor is injurious to white labor in the argument made by him to the effect that many industries have been developed in California and capital attracted and profits made, none of which things could have happened but for the introduction of the "cheap and docile" labor of the Chinese.

In a memorial of the senate of California to Congress upon this subject I find the following:

The male element of this population, where not criminal, comes into a painful competition with the most needy and most deserving of our people—those who are engaged, or entitled to be engaged, in industrial pursuits in our midst. The common laborer, the farm hand, the shoemaker, the cigar-maker, the domestic, (male and female,) and workmen of all descriptions find their various occupations monopolized by Chinese labor, employed at a compensation upon which white labor cannot possibly exist. * * * It is a trite saying, however, that competition in labor is healthful. True; but not between free and slave labor; and the Chinese in California are substantially in a condition of servitude. Ninety-nine one-hundredths of them are imported here by large companies under contracts to repay to the importers out of their labor the cost of their transportation and large interest upon the outlay; and these contracts frequently hold their subjects for long periods. During the existence of these contracts the Chinese are to all intents serfs, and as such are let out to service at a miserable pittance to perform

the labor that it ought to be the privilege of our own race to perform. Even were it possible for the white laborer to maintain existence upon the wages paid to the Chinese, his condition nevertheless becomes that of an abject slave, for grinding poverty is abject slavery. The vaunted "dignity of labor" becomes a biting sarcasm when the laborer becomes a serf.

In the argument made in behalf of the six companies, who seem to control the great bulk of the Chinese labor on the Pacific coast, by their attorney, one Joseph C. G. Kennedy, before a Senate committee, against any legislation excluding the Chinese, the confession that Chinese labor is destructive to free labor because it can and does underbid it for employment is unconsciously made when that attorney pitifully asks this question, which I find on page 8 of his printed argument:

Is it proper to deprive enterprising Americans who have settled the State of the right to employ Chinamen, negroes, or Indians, male or female, whenever they can be made available, and is it just to those who have made great investments in farms, manufactories, and vineyards to threaten them with a loss of labor whereby alone their operations can be prosecuted to the advantage of the whole country?

Why, let us ask, is it thus indispensable that Chinese labor be employed to successfully prosecute these enterprises? There is and can be but one answer, and that is, no other labor could subsist on the wages paid.

The evidence coming from every source demonstrates this fact: that the Chinese, by reason of certain characteristics before described, constitute a competing labor force which the white labor of this country cannot withstand, where contact ensues, at least without great degradation. Is it expedient and desirable that the nation should take such action as it may lawfully take to prevent such an appalling calamity? If the evil impending were one which threatened the destruction or material depreciation or diminution of the accumulated wealth of the country by some agency external to the United States, is it to be supposed for a moment that there would be any failure on the part of Congress to appreciate the danger or to take prompt action to avert it if the power could possibly be exerted? And is the degradation and possible destruction of the entire labor system of this country and the substitution therefor of a servile system built on caste and coming from Asia a danger of less magnitude than an injury to trade or capital? Is human nature less worthy of the concern of Congress than sordid wealth?

The legislation now proposed to avert the impending danger to our people is not paternal in its character. On the contrary, it is a proposition to fulfill the plain duty of the Government. The working classes could easily protect themselves if simply permitted to exercise the natural right of self-preservation; but having surrendered this natural right they now demand that the society to whom it was yielded up shall protect them from an invasion which, if not checked, will ultimately work their utter ruin. China with its swarming hordes, sometimes estimated at more than three hundred millions, is a hive from whence an inundating flood of cheap laborers could easily be poured forth into the United States sufficient to drive out or destroy the entire labor force of this country without creating any perceptible effect upon her own affairs except a slight relief from the consequences of her own over crowded condition. Already the stealthy tread of this servile race extends through California and Nevada into the Territories, across the Rocky Mountains toward the great valleys of this western empire. If it is a menace to us, now is the time to protect ourselves before the invasion becomes a resistless one.

No calamity can befall this country and its institutions so serious as the degradation of the laborer. It would produce the inevitable result as to the distribution of wealth which we see in other lands—great wealth in the hands of the few and extreme poverty the sad and only lot of the many. This grossly unequal distribution of wealth is always observed where low wages prevail as the reward of the toiling millions. The effect of such a state of affairs is always the same: sumptuous splendor on the one hand and the maximum of human misery and degradation on the other. Buckle, in his History of Civilization, in England, has particularly noted the effect of low wages in producing great inequalities in the distribution of wealth, and, as a further consequence, the debasement of the masses of the people as illustrated in the history of different people. Speaking of the condition of the Irish at a certain time he says:

The misery in which they were plunged has no doubt always been aggravated by the ignorance of their rulers and by that scandalous misgovernment which until very recently formed one of the darkest blots on the glory of England. The most active cause, however, was that their wages were so low as to debar them not only from the comforts, but from the common decencies of civilized life; and this evil condition was the natural result of that cheap and abundant food which encouraged the people to so rapid an increase that the labor market was constantly gorged. So far was this carried that an intelligent observer who traveled through Ireland twenty years ago (in 1834) mentions that at that time the average wages were four pence a day, and that even this wretched pittance could not always be relied on for regular employment.

The same author says:

We shall, moreover, find that when the wages are invariably low, the distribution of wealth being thus very unequal, the distribution of political power and social influence will also be very unequal.

Speaking of India, Mr. Buckle says:

In consequence of these peculiarities of climate and of food, there has arisen in India that unequal distribution of wealth which we must expect to find in countries where the labor market is always redundant. If we examine the earliest Indian records which have been preserved—records between two and three thousand years old—we find evidence of a state of things similar to that which now exists, and which, we may rely upon it, always has existed ever since the accumulation of capital once fairly begun. We find the upper classes enormously rich

and the lower classes miserably poor. We find those by whose labor the wealth is created receiving the smallest possible share of it, the remainder being absorbed by the higher ranks in the form either of rent or of profit. And as wealth is, after intellect, the most permanent source of power, it has naturally happened that a great inequality of wealth has been accompanied by a corresponding inequality of social and political power. It is not, therefore, surprising that from the earliest period to which our knowledge of India extends an immense majority of the people, pinched by the most galling poverty, and just living from hand to mouth, should always have remained in a state of stupid debasement, broken by incessant misfortune, crouching before their superiors in abject submission, and only fit either to be slaves themselves or to be led to battle to make slaves of others. But the evil by no means stopped there. In India, as in every other country, poverty provokes contempt and wealth produces power. When other things are equal, it must be with classes of men as with individuals, that the richer they are the greater the influence they will possess. It was, therefore, to be expected that the unequal distribution of wealth should cause an unequal distribution of power; and as there is no instance on record of any class possessing power without abusing it, we may easily understand how it was that the people of India, condemned to poverty by the physical laws of their climate, should have fallen into a degradation from which they have never been able to escape.

This versatile author in the same work traces and illustrates the effects of low wages in many countries, the result in all cases being the same—a melancholy exhibit of destitution and suffering among the laboring classes, accompanied by an entire denial of social and political rights. The introduction of the Chinese millions into our midst portends, as I believe, consequences to our own people and to our institutions equally as deplorable as the historical instances just cited. If we are wise we will throttle the monster before his strength becomes too great for us.

Mr. Speaker, the condition of the laboring classes in this country for the last three or four years has not been either prosperous or comfortable, and even now it is not such as any generous hearted man could wish. That condition is not altogether owing to causes which can be removed by legislation. Improvement in that condition to the extent desired can never be had without conformity by the laborers themselves to certain economic laws which cannot be controlled by legislation. Providence, frugality, and industry are now, as they ever have been, indispensable to the well-being of all men, and in an especial degree to the laboring-man. These qualities in man cannot be furnished by government. Some things, however, government can do for labor. It can relieve it of an unjust and undue burden imposed by indirect, deceitful, and fraudulent methods of taxation. It can desist from the creation of monopolies, and it can, in the case now before the House, relieve it from the necessity of entering into competition with myriads of Asiatics where, as I think the facts show, our laborers must first be deteriorated and debased before they can hope to make the competition successful. And this much I hope Congress will not fail to do.

Improvement of the Mississippi River.

SPEECH OF HON. E. W. ROBERTSON, OF LOUISIANA, IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 5, 1879,

On the bill (H. R. No. 4318) to provide for the organization of "the Mississippi River improvement commission," and for the correction, permanent location, and deepening of the channel, and the improvement of the navigation of said Mississippi River, and the protection of its alluvial lands.

Mr. ROBERTSON. Mr. Speaker, I think it is evident, whatever plan is in the future adopted for the improvement of the Mississippi River, that the present crevasses should be closed and the levees raised and strengthened. The plan of Captain Eads to deepen the channel of the river and thereby reduce the flood-level must be done gradually. In the mean time Captain Eads says the levees should be rebuilt. His language is as follows:

I have always advocated the closing crevasses and gaps in the levees as necessary and preliminary to my plan for improving the navigation.

The crevasses being closed, the commission provided for in the bill could well consider a plan for protecting the banks from abrading, which if accomplished would render the levee system permanent, and I might say perfect. For the protection of the banks the jetties or dikes have been tried with good effect. At Baton Rouge a single breakwater, costing only \$600, saved the front street of the city from the ravages of the encroaching current and has given us a wide batture for a landing. The same was done, with less expense and equal good effect, at Kernigan's plantation, below the city of New Orleans. There a couple of coal-boats, secured by driving-piles just above the threatened point and filled with brickbats and earth, protected the front of a most valuable property which was fast being abraded by the action of the current and would have eventually caved into the river. Ex-Governor Baker, of Louisiana, the oldest living graduate of West Point, as early as 1828 demonstrated the effects of breakwaters upon caving banks. To protect the mouth of the Plaquemine from the drift of the Mississippi River, he drove piles in the mouth of the bayou extending into the Mississippi River toward the upper bank. The drift was caught against this piling and a permanent breakwater was created, which not only accomplished the object

intended, but saved the town of Plaquemine, on the lower bank, which was rapidly being undermined by the current's action immediately in the front of the town. Governor Baker states that the cost of the material for this work, using the drift-logs for piling, was less than \$200. This simple and cheap construction lasted for twenty-five years and continued during that time to afford ample protection to Plaquemine. I mention these three instances to show how cheaply the banks can be protected from abrading.

I am perfectly satisfied that the day is not far distant when the United States engineers, or perhaps some practical civil engineers, will suggest some plan of using the immense amount of drift which annually comes down the river, with the willow and cottonwood which grow upon every bar, in furnishing material for making cheap, effectual, and permanent protection to the banks of the Mississippi. I am confident that alternate bends need protection by some such means as stated, and that using the material suggested the cost would be less than \$3,000,000, and thereby rendering the channel permanent and making the present line of levees sufficient for all time, with very slight cost for repairs.

When this matter is investigated I think it will be found that some modifications of the plans stated will be made so as to accomplish the same results. Instead of making the jetties or breakwaters at right angles with the banks, to place them at more or less acute angles with the banks, depending upon the distance to the next point of the river, and thereby avoiding the turning of the current immediately across the stream against the banks in the bend below.

To consider the facts stated and the many plans which have been suggested, there is a necessity for a commission such as is provided for in the bill, even though the amendment is passed furnishing means for closing the present crevasses. They would adopt some uniform plan of protecting the banks in connection with the improvement of the navigation.

And now as to the outlet system: it is claimed by outlets the flood-level of the Mississippi will be lowered so as to do away with the necessity for levees. Let the friends of the commerce of the river well consider the effects of this proposition upon the navigation of this great stream. I ask the question, if the flood-level is lowered by outlets to such an extent as to do away with levees, some of which are over forty feet high, what becomes of the shoals in the channel of the river, upon which there is only five to ten feet of water at low stages? I think they would be high and dry; and even the light-draft barges from the Upper Mississippi and its tributaries could not be floated to the sea-board city.

The following embodies the views of Captain Eads as to the outlet theory:

The crude notions of Captain Cowden are attractive to those who do not stop to reflect. It seems so simple and natural just to let off the surplus water; but when you try to do so you find that the outlets soon build up sub-deltas, just as Cubit's Gap is now doing, and that after all the river will not let itself out so as to prevent overflow; for the more outlets you make the more you slacken the flow of the main stream, the more its bottom will fill up and the higher will be the flood-line.

To refer again to Captain Cowden's plan of diverting the Red River down the Calcasieu, and to show how crude his ideas are, I would state difficulties. First, a ridge of high land of three hundred and sixty feet elevation separates the two rivers, which would have to be tunneled to make the connection, and then it would be found by the man who locates a canal before he makes his survey that the bed of the Calcasieu is fifty feet higher than the bed of the Red River, and he must make the water of the Red River run up hill so as to accommodate his theory of "letting it out" down the Calcasieu.

I will reiterate what I stated in my remarks of June last to this House as to the measure of relief I considered should be adopted, and then show the indorsements of the United States Board of Engineers and practical steamboat captains.

The theory advocated by me is concisely stated in the following extracts of my speech, delivered June 8, 1878:

Still another plan is to repair the present levee system, close all the outlets, and where the curves of the river bring the banks into an angle with the current from above, and thereby subject them to impingement and caving, to build revetments or wing-dams to turn aside the current. It is claimed for this plan that it will not only protect the alluvial lands, but will operate similarly to jetties in deepening and permanently locating the channel of the river and improving navigation.

I maintain that the present levee system, if repaired and all crevasses and outlets closed, will operate similarly to the jetty plan, for it will tend to keep the channel of uniform width, and thereby cause it to scour out and improve navigation. But it is less permanent, for the reason that the banks are subject to caving at the bends or curves of the river, where the current from above strikes them at an angle. To remedy that defect I would at these bends construct revetments or wing-dams, to deflect the force of the current, prevent caving, and keep the channel permanently located. And it may have to be further supplemented by improvements at the shoals, between Cairo and the mouth of the river, which are in number about ninety, where there is less than eight feet depth at low water. It is virtually the jetty plan, for the principle is the same. But the cost of these revetments or wing-dams would be many times less than the enormous cost of new levees, and in my opinion much less than works on the jetty plan all the way from Cairo to the Gulf.

Captain Leathers, in a letter addressed to me a few weeks ago, says:

"I came on the river in 1836. The river was very low that year. The average depth of water on the shoalest bars from the mouth of the Ohio to the mouth of the Arkansas, a distance of about four hundred and fifty miles, was about four feet. From mouth of Arkansas to mouth of Yazoo, about two hundred and twenty-five miles, there was about five feet. From that to the mouth of Red River, about the same distance, the average depth on the shoaled bars was seven feet. Below Red River levees had been built, I do not know how long, but thence to the Gulf there was deep water.

"Then levees began to be built above Red River in the parishes of Concordia, Tensas, Madison, and Carroll, the result of which was that in 1857, a period of twenty-one years, while the river was twenty inches lower in its banks there was not less than eight and a half feet of water on the shoalest bars in the formerly unleveed district between the Red and Arkansas Rivers, showing an increased depth of four feet scoured out by the current created by concentration of the water.

"I am convinced from my observations that if the levees were rebuilt and kept up on the lowlands, the concentration of volume, and consequent accelerated current, would soon wash out a channel large and deep enough for any purposes of commercial navigation. I am thoroughly satisfied that in the last ten years the frequent breaks in the levees and crevasses, dispersing the waters over the country and diminishing the current, have caused the river to begin to shoal again. It always shoals near these breaks, evidently in consequence of the slackened current and natural deposit of sediment on the bottom which follows.

"I am confident that the only way of deepening the channel and getting reliable navigation is to concentrate the current, and if the great river accommodates itself by scouring out the bottom there will be no necessity for higher barriers at the top, and the levees will become more solid and reliable because relieved in a measure from the great pressure to which they are subjected."

The other authority, Captain Aiken, who is president of the New Orleans and Red River Transportation Company, says in a recent communication to me as follows:

"Red River from Shreveport, Louisiana, to its mouth, distance about five hundred miles, was previous to the building of levees along its banks a shoal stream, having a rise and fall of from eight to twelve feet, overflowing its banks during every high water and inundating the country for miles on either side. As the country became settled, the planters built levees to protect their lands from the annual overflows. At about the year 1860 these levees, from Loggy Bayou to Alexandria, distance two hundred and twenty miles, had become connected and continuous, presenting an unbroken line on each bank. It was soon found that the concentration of the water and increased current caused by the levees was washing out and lowering the bed of the river, and the effect has been so great that along this section of the river the rise and fall is now as much as twenty-five to thirty feet, and the lands have not been inundated for years. There are levees standing to-day four feet high above their base, that the highest floods have not touched for years. Since the war the levees have been extended above Loggy Bayou to Robinson's, distance about twelve miles, and the same deepening or lowering of the river-bed has been the result.

"From Robinson's to Shreveport, distance about ninety miles, there are outlets on either side; the levees are not continuous and connected as they were below; the lands still overflow and the river is gradually shoaling. Below Alexandria the river is in about the same condition as when first navigated by steamboats, namely, no perfect system of levees, no lowering of its bed; open outlets and annual overflows.

"Red River runs its entire course below Shreveport through alluvial soil similar in all respects to that of the Mississippi. There can be no disputing the fact as to the Red River levees having lowered the river bed and deepened the channel as above described. There are thousands of people living on its banks to testify to the truth of this statement, and as the Mississippi and Red Rivers are similar in all respects, except as to the volume of their waters, it seems reasonable to expect that a perfect system of levees on the Mississippi would deepen that river and improve its navigation. In fact, it is known to old Mississippi steamboatmen that the permanent depth of water on the shoalest bars had been increased by several feet along the sections of that river that had been leveed, and that since the breaking of the levees this deepening process has ceased. It is also known to them that bars form opposite and the river shoals below any permanent break or crevasse in a levee."

With the above statements of facts by two competent and trustworthy witnesses, which facts can, as stated by Captain Aiken, be substantiated by thousands of people dwelling in the lowlands, does it not logically follow that the theory of improvement which I have advanced should be put into early operation?

And now let me make a few extracts from the late report of the board of engineers upon the improvement of the low-water navigation of the Mississippi River below Cairo, Illinois, dated New York, January 27, 1879. (Ex. Doc. No. 37.)

EFFECT OF A PERMANENT LEVEE SYSTEM ON THE MISSISSIPPI BELOW THE MOUTH OF THE OHIO RIVER.

ARMY BUILDING, NEW YORK, January 25, 1879.

GENERAL: In reply to your letter of November 13, 1878, which invites "the attention of the board of engineers for the improvement of the low-water navigation of the Mississippi River to the consideration of the effect of a permanent levee system throughout the length of the river below the mouth of the Ohio, not only upon its low-water navigation, but also of the benefits it would confer in affording protection and giving needed facilities to shipping, commerce, and navigation in the high stages of the river," the board have the honor to report their views as follows:

The letter presents the matter of the effects of a levee system in two aspects—

1. Its effects on low-water navigation.
2. The benefits it would confer in affording protection and giving needed facilities to shipping, commerce, and navigation in the high stages of the river.

To deal with the question whether there is any connection between levees and "facilities for shipping, commerce, and navigation" at high stages we refer to the actual condition of things. We find that throughout all the extension of the Mississippi along which the levee system is practically efficient, and where the marginal lands are generally cleared and cultivated, the levees have been an important aid to commerce.

To sum up: the levees, where they have been permanently established, do, to a certain extent, afford protection and give needed facilities to commerce and navigation, and were they permanently established throughout the river, they would doubtless develop a large additional commerce and afford the kind of facilities just mentioned for its transaction.

2. THE EFFECTS OF LEVEES ON LOW-WATER NAVIGATION.

Levees have no direct action except when the water is high. Nevertheless, a connected levee system begins to act before the stage of actual bank overflow of the Mississippi is reached. The numerous creeks, or bayous, which partially drain the great swamp basins of the Saint Francis, Yazoo, and Tensas furnish inlets through which the water of the river begins to flood the swamps, even when several feet below the elevation of its natural banks. The levee system would therefore come into useful action before the natural banks were overtopped. And this would be the more usual extent of its action: for the "flood" years are on average but one out of four or five.

That the confining of this usually escaping water in one channel, in ordinary as well as in flood years, would, in a general way, tend to deepen the bed, we do not doubt. But where the low-water navigation is bad it is not because there has been a lack of water at high stages. It is because of inordinate width at those places over which the river sweeps.

The great obstacle to the improvement of the low-water navigation and to maintaining a levee system is one and the same for both, viz: the instability of the river from the caving of its banks. When this can be overcome by means not inordinately expensive, (on which point we have treated more fully in our preliminary report on the subject of low-water navigation of the river,) we may expect a deepened channel, a lowered high-water surface, and a stable river, the margins of which shall be securely cultivated to the enormous development of the wealth and population of the region. We believe, therefore, that the levee system, if undertaken, should be matured and developed in connection with the navigation improvement.

Other and imperative duties of individual members have made impossible an earlier convention of the board for the consideration of this subject.

Respectfully submitted,

J. G. BARNARD,
Colonel of Engineers and *Bvt. Maj. Gen., U. S. A.*
Z. B. TOWLE,
Colonel of Engineers and *Bvt. Maj. Gen., U. S. A.*
H. G. WRIGHT,
Lieutenant-Colonel of Engineers and *Bvt. Maj. Gen., U. S. A.*
C. B. COMSTOCK,
Major of Engineers and *Bvt. Brig. Gen., U. S. A.*
CHAS. R. SUTEL,
Major of Engineers.

Brig. Gen. A. A. HUMPHREYS,
Chief of Engineers, U. S. A.

The board of engineers, including the Chief of Engineers, have now declared "that the confining the escaping waters of the Mississippi River in one channel, in ordinary as well as flood years, tends to deepen the bed," and "that the levee system should be developed in connection with the navigation improvements of the great river."

Why, then, hesitate to pass the amendment to the committee's bill making an appropriation amply sufficient to stop the "escaping water" and confine it in "one channel," and thereby deepening its bed and improving its navigation, as well as protecting the alluvial lands from overflow?

There is one other reason which I must call upon you to consider as a matter of justice to the States and landed proprietors interested in having the levees restored to a condition to effect the two great purposes named. It is this: first the landed proprietors built the levees in the State of Louisiana at a cost of at least \$40,000,000; then the State, taking charge of the levee system as a public work, spent on the levees about \$20,000,000, making in all fully \$60,000,000.

Now that it is so clearly proven that these levees built by individuals, and afterward repaired, raised, and kept up by the State, have improved the navigation of the Mississippi River for the commerce of the whole country, is it not a matter of justice that the National Government, after so many years of benefits being gratuitously bestowed upon the people at large, should take charge of the work?

Mississippi, Arkansas, Tennessee, Missouri, and Illinois can present like claims for consideration; but there are no instances of the kind elsewhere to be found in the history of this country where so much has been appropriated by individuals and State treasuries with such favorable results to a common highway of commerce.

The deep interest felt in the subject under consideration is shown by the action of a commercial convention recently assembled in New Orleans. I beg leave to submit, as a portion of my remarks, its proceedings so far as the improvements of the Mississippi River are concerned, and a list of the officers and committee of said assemblage, showing that eighteen States were represented by many of their best citizens:

Convention for the promotion of American commerce, New Orleans, Louisiana, December, 1878.

OFFICERS.

President: Fitzhugh Lee, Virginia.
Vice-presidents: E. D. Holton, Wisconsin; C. L. Webb, Iowa; George T. Lewis, Tennessee; George H. Rhea, Missouri; George R. Fearn, Texas; W. J. Kuntz, Pennsylvania; Alexander Campbell, West Virginia; F. H. Cameron, North Carolina; James M. Glenn, Ohio; Jones S. Hamilton, Mississippi; B. M. Woolsey, Alabama; N. J. Bussey, Georgia; Robert Mallory, Kentucky; J. W. Ryckman, Illinois; J. A. Cowardin, Virginia; F. S. Goode, Louisiana; H. J. Reamer, Indiana.
Secretary: Henry G. Hester, Louisiana.
Assistant secretaries: Len G. Faxon, Kentucky; Thomas Smith, Virginia; S. H. Clarke, Ohio; John Fitzpatrick, Louisiana.

REPORT OF THE COMMITTEE ON THE NAVIGATION AND IMPROVEMENT OF THE MISSISSIPPI RIVER, ETC.

The committee appointed on the "improvement of the navigation of the Mississippi River and its tributaries, and the confinement of its waters within its banks," respectfully submit the following report:

Whereas in view of the magnitude of the interests involved in the improvement of the Mississippi River and its navigable tributaries, so as to furnish commercial communication between all their ports and with foreign nations, and to protect the inhabitants on its banks from overflow, to the extent of their practical improvement and the wants of the population upon their borders, now and in time to come; and

Whereas the vast interests that may be thus subserved have not been advanced according to their just requirement, nor in any degree comparable to the improvement of other commercial avenues of no greater national importance by the Federal Government, which alone has the jurisdiction and power to accomplish the same: Therefore,

1. *Be it resolved*, That this convention recommend to the governors of the respective States bordering upon said river and its navigable tributaries to appoint — [Note: for number of commissioners see proceedings below] commissioners to represent the respective States in a board of commissioners, which shall be permanent and continued so long as there is necessity for the same. This board of commissioners shall inquire into all matters appertaining to the improvement of the navigation of the Mississippi River and its tributaries, and of the improvement of their banks so as to prevent overflow, and of the commerce of the Valley of the Mississippi. And it shall be the duty of the said commission to disseminate, from time to time, through the press, or by address to the public, or in any suitable mode, such intelligence, among their people so vitally interested, as to them may seem desirable upon the subject of the improvements herein proposed. And it shall be the further duty of said commission to gather, collate, and embody such information and facts as to them may seem appropriate and communicate the same to the

Congress of the United States, by way of memorial or otherwise, for the purpose of inducing that body to make the appropriations for the improvements herein proposed.

2. That it is the paramount duty of the General Government, under its special direction and supervision, to construct and maintain embankments or levees along the Mississippi River and its tributaries, wherever the same may be needed to prevent crevasses and the inundation of the people who have their homes and fields endangered.

3. That it is equally the paramount duty of the General Government to make such appropriations for the Mississippi River and its tributaries as are required to so deepen the channels of these rivers as to afford cheap, easy, and uninterrupted transportation at low water for the products of the people living on these rivers, to the adjoining States or to foreign countries.

4. That the deep channel already had at the mouth of the Mississippi River, by the means of the jetties, saving in the year 1877, the first year of their partial completion, more value in freight to the commerce of the country than the sum paid as yet for the improvement by the United States Government, justifies, in the opinion of this convention, the call on Congress to speedily grant any additional legislation that may be required to facilitate the full and final completion of these works.

Be it further resolved, That in order to give force and effect to the recommendation made in this resolution, we request the president of this convention to appoint Mr. Underwood, of Louisville, Kentucky, a committee of one to address the governors of the States bordering on the Mississippi River and its navigable tributaries, and urge them to comply with the recommendations made in said first resolution.

EUG. UNDERWOOD, Kentucky,
Chairman of the Committee.
W. M. RAGSDALE, Georgia, *Secretary.*
N. G. LARIMORE, Missouri.
F. H. CAMERON, North Carolina.
J. GUNTER, Texas.
M. M. HAM, Iowa.
J. M. FALKNER, Alabama.
H. J. REAMER, Indiana.
J. A. COWARDIN, Virginia.
REED JONES, Illinois.
PHILIP PENDELTON, West Virginia.
C. M. BLACKMAN, Wisconsin.
J. F. WHEELLESS, Tennessee.
S. STRAIGHT, Ohio.
E. RICHARDSON, Mississippi.
D. F. KENNER, Louisiana.
R. R. DORR, Iowa.
J. B. WILLIAMS, Pennsylvania.

Who is Responsible for Chinese Immigration?

SPEECH OF HON. J. K. LUTTRELL, OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 28, 1879.

The House having under consideration the bill (H. R. No. 2423) to restrict the immigration of Chinese to the United States—

Mr. LUTTRELL said:

Mr. SPEAKER: I had hoped that this all-important question to the laboring people of our country would have been considered in a non-partisan spirit, and that it would pass this House without delay or discussion. Our people want action and not speeches. But the gentlemen who have spoken on the subject on the other side of the House [Mr. TOWNSEND, of New York, and Mr. PAGE, of California] have seen fit to attempt to make a little political capital out of the question. They have attempted to arraign the democratic party and hold it responsible for Chinese immigration, while they proclaim to the world that the republican party is the friend of the laboring-men and in no way responsible for the Burlingame treaty and the evils arising from Chinese immigration. The gentlemen upon the other side of the House have referred to what they are pleased to term the history of the democratic party, and have stated that the republican party has been true to the people, and that they reflect the sentiments of that party in favoring the passage of this bill. I beg leave to differ with them.

I should not have said anything had not my friend from California [Mr. PAGE] made that remark. Will the gentleman go back with me to 1868, when the Burlingame treaty was made and ratified by the republican party, the democrats opposing it from one end of this country to the other. I would remind the gentleman that since the ratification of the Burlingame treaty by his political friends we have petitioned Congress year in and year out for some modification of it so far as it relates to immigration, yet Congress, controlled in both branches by the republicans, together with a republican Executive, have steadily refused to hear the prayers of the laboring people of the Pacific coast. In 1867 the republican party in California inscribed upon their banners the motto proposed by their leader, "the universal fatherhood of God and brotherhood of man," welcoming the Chinamen to our shores with outstretched arms.

Yes, sir, we have petitioned Congress year after year. I have time and again presented at that desk petitions with ten, fifteen, or twenty thousand names attached, demanding the abrogation of the Burlingame treaty; yet in the Forty-first Congress and in fact every Congress that has assembled until the democratic party came into power in the Forty-fourth Congress, the republican party has refused to hear the prayers and the petitions of these laboring people. In the

Forty-fourth Congress the democrats passed a resolution calling for a modification of the Burlingame treaty. Your republican President pocketed the resolution, and there it has slept ever since. During the last session of Congress I introduced a joint resolution demanding a modification of the treaty in order that our laboring-men might be protected from competition with the cooly or slave labor. We passed that resolution through this House and your republican President has held it in his pocket since last June.

Nearly ten months have elapsed and nothing has been done; but the Sacramento Union, a leading republican paper of California, stated the other day that the President had said a few days since that he would favor any measure that would help the republican party in California. The Cincinnati Commercial, the recognized organ of the President in Ohio and supposed to reflect his sentiments, takes strong grounds against any modification or legislation on the Chinese question. This paper's course is but in keeping with the record of its party, which has been and, if we may judge the future by the past, will ever be in opposition to the interests of the laboring people of the Pacific coast.

Talk about the republican party being in sympathy with the laboring-men. All that party wants to-day is their votes. Why, sir, I have before me now the CONGRESSIONAL RECORD of June 13, 1874, and I propose to call your attention to the proceedings of the House on that day to show you the standing of the republican party on the Chinese question:

Mr. LUTTRELL offered the following amendment to the sundry civil appropriation bill:

"Provided, That no Chinese or cooly labor shall be so employed as to displace white labor."

Mr. GARFIELD, Mr. HALE, Mr. Maynard, Mr. Hoar, Mr. CONGER, Mr. Platt, and Mr. RAINEY, all republicans, opposed the amendment, while Mr. COX, of New York, and myself advocated it. I will now read from the proceedings on that occasion the following:

Mr. LUTTRELL. There are hundreds of white men in Mare Island navy-yard who are anxious to be employed, men who have served the country on land and on sea; but I learn from a dispatch I have received that those men have been displaced and cooly and Chinese laborers have been employed in their stead. Hence I ask the adoption of this amendment, and I ask to have the dispatch read. It is from two of the most prominent citizens of Mare Island.

The Clerk read as follows:

"VALLEJO, CALIFORNIA, June, 1874.

"Hon. J. K. LUTTRELL, M. C., Washington:

"Contractor Murphy employs Chinese on dry-dock in navy-yard. White men can be had. Much feeling here. See Department.

"LINTHICOME & EDGUMBE."

Mr. NIBLACK, [democrat.] They employ white men before election and then turn them out to make way for Chinamen.

Mr. LUTTRELL. Yes, sir; but I propose that they shall not employ coolies or Chinese at all. I want no man employed in that navy-yard because he votes according to my way of thinking or against me. I want men who have served their country on land and sea employed to the exclusion of Chinamen; and I ask gentlemen on the other side of the House to sustain me in this.

Mr. COX. I do not know that there is much use for anybody in the minority of this House to say anything upon this miscellaneous appropriation bill. Everything seems to have been cut and dried, even to the matter of champagne members and bringing them in here to vote for the most extraordinary appropriations on almost every subject. I beg, however, to remind gentlemen of this House of one thing: that is, that they are to-day misrepresentatives of the people of the United States. If a vote were to be taken to-day, judging by the recent elections, the people of the United States would make this House thoroughly democratic, or something more independent than the majority of the House is now.

Mr. RAINEY, [republican.] I hope the amendment of the gentleman from California [Mr. LUTTRELL] will not be adopted. It is a species of legislation that I have never before seen introduced here since I have been a member of this House. We have by our legislation invited foreigners to our shores, invited them to come here and make their homes. We have said to them that they should enjoy here all the blessings of civilization that are enjoyed by any of our people. They come here and are willing to work and assist in the development of this country. If they are willing to work cheaper than white men are willing to work, I do not see why we should say, by an amendment to this bill, that they should not be employed and paid out of the money appropriated by the Government.

I say that the Chinaman, the Indian, the negro, and the white man should all occupy an equal footing under this Government; should be accorded equal right to make their livelihood and establish their manhood. I hope we shall not adopt here to-day any class legislation such as is proposed in the amendment of the gentleman from California. I trust that we shall not undertake to say that we will not permit Chinamen to be employed under appropriations made by the Government; for when we have proscribed this class of people, not many days will elapse before we shall have a proposition presented that negroes shall not be employed under appropriations made by the Government. Representing in part, if I may so say, the Chinamen, at least by complexion; representing in part the negro; representing in part the white man, I am in favor of equal rights for every class of citizens upon this continent. I renew my solemn protest against any such class legislation as is proposed in the pending amendment.

The question recurring on the amendment proposed by myself, it was not agreed to. So the republican majority in the Forty-third Congress voted down my amendment, every republican on that side of the House voting against it, while every democrat on this side of the House voted to protect free labor.

Your party turned out about one hundred workingmen from Mare Island navy-yard and placed Chinamen in their stead; yet I could not find a republican on that side of the House to vote with me upon the proposition that no part of the appropriation should be used for the payment of Mongolian or slave labor. Every democrat on this side of the House voted in favor of employing free labor in the navy-yards of our country, while the republicans voted in favor of employing Chinamen on Mare Island to the exclusion of the brave men who have borne our flag in defense of the Union.

Talk about the republican party being in sympathy with the laboring classes of the land? Why, sir, such a thing never entered your hard hearts. Your whole course during the past sixteen years has been in the interest of corporations, in the interest of cheap labor, and has tended to degrade the poor laboring-men of the country by forcing them to compete with cooly labor. You have legislated that the few might be enriched at the expense of the many. This is your record from your own public documents and not from democratic documents.

Now, sir, the old gentleman from New York [Mr. TOWNSEND] who talked a little while ago about "Bill Nye," (and, by the by, he is old enough to be "Bill Nye's" great-grandfather,) says that he entertains no unkind feelings against any human being. Yet he never permits the opportunity to pass without assailing the laboring-men who assemble at the "sand-lots" in San Francisco. Sir, I remember when that gentleman first entered this House a few years ago as a member from New York. He came in shaking his head at the democratic party, and since that time I have never seen him rise in his seat without shaking his head. Why, sir, his heart is full of hatred toward the democratic party. If he should ever come to our side of the continent, Mr. Kearney and his friends will shake their heads at him. I am not here to defend Mr. Kearney. He requires no defense at my hands. He is capable of defending himself in his own way. But, I tell you, sir, that he is the associate of and is a leader among the great laboring element of our country; and the men who assemble on the "sand-lot," as it is called, to discuss the great questions of the day, are the sovereigns of this land. They are the hard-listed laboring-men of the country, who have helped to build up California and make it what it is—and not your "heathen Chinese," as the gentleman from New York would have you believe. I am for the free laboring-men of our country; I care not to what party they attach themselves. I shall never desert their interests.

Mr. Speaker, the people of the Pacific States have appealed to you through the public press, by petition, and through our State Legislatures to protect them from the evils arising or resulting from competition with cooly or slave labor, and on behalf of the laboring-men and women of California I plead with you to pass the bill now under consideration. For long years we have appealed to Congress for relief. The republican party has denied us that relief. I now appeal to you, my democratic friends, in the name of all that you hold most dear; I appeal to you in the name of the great masses of the country; in the name of good morals; in the name of the men, women, and children; in the name of those of our kinsmen who are now residents of the Pacific States, to aid us to-day in the passage of this bill.

The free laboring men and women of the Pacific slope are struggling and grappling with a monster which, if not speedily checked, will overwhelm them. This monster is slavery in its most horrid form. It demands your earnest consideration. It is a conflict between free labor on the one side, led by the free laboring men and women of our own Christian race; on the other by cheap-labor advocates and supporters of a slavery of the most degraded character. Free labor is battling for the rights of free schools, free institutions, good government, good morals, and a fair compensation for labor. Our laboring-men are struggling to add to the wealth and fame of our country, to build up homes for themselves, to increase the taxable property of the nation, to build school-houses, colleges, churches, and charitable institutions, to educate their children in modern civilization, to advance the standard of human intelligence, to teach their offspring useful trades, and see them honorably employed—in a word, sir, to serve God, posterity, and their country, while, on the other hand, this accursed system of cooly or Chinese slavery that is now wrapping its dark mantle around our fair land, without one pulsation in sympathy with our systems or our people, stifles free labor, enterprise, mechanism, good government, good morals, churches, and institutions of learning. It stifles the energies of the free laborer and strikes a fatal blow at freedom itself. It degrades the old and the young alike; encourages idleness and crime, filling our land with paupers and criminals. Under the rule of the republican party this state of affairs has existed for years and years gone by, and if we are to judge the future by the past our only hope is that the democratic party on this floor will pass the bill under consideration and thereby protect free labor.

Sir, this contest between free labor and cooly slavery was encouraged under the Burlingame treaty and has been maintained by the leaders of the republican party in order that great corporations might have the benefits of cheap labor. Thousands of the most degraded subjects of the Chinese Emperor are bought and sold in our State like cattle in the market. They bring to our shores for lewd purposes thousands of the most abandoned women of the same race, who are also bought and sold and hired out for the vile purpose of prostitution, infesting every city, village, and hamlet in that country, degrading the youth and tainting the atmosphere of the land.

These coolies, owned by the Chinese organizations known as the "six companies," are maintained upon a mere pittance, not exceeding ten cents a head per day, can afford to be and are hired for wages upon which a free laborer would absolutely starve. With this system of slavery free labor cannot compete. The Chinaman has no family to support, no ambition, and is content with that which affords him bare subsistence; while, upon the other hand, the ambition of the

free laborer is to build for himself a home and rear therein a family, which ruling idea is the very spirit of our system of government. Not one of these one hundred and fifty or two hundred thousand Chinamen who reside on the Pacific slope owns a homestead or contributes to the good morals of society or good government. Is it well to encourage or even tolerate the immigration to our country of such a class of people? They neither affiliate nor assimilate with us in customs, habits of life, morals, religion, theory of government, or social management.

What we want, sir, is the intelligent European; we want the German, the Irishman, the Frenchman, the Englishman, the Welchman, the Scotchman, the Italian, the Spaniard, the Portuguese; we want the intelligent immigrant who comes of his own free will to make this his home and to rear to himself a family; one who will assimilate with us in all that goes to make the good and patriotic citizen.

Mr. Speaker, in conclusion, I demand at the hands of this House such legislation as will protect the laboring interests of the State which I in part represent; and unless you give to our people protection we will be forced to the last alternative left to a free people; that is, to protect ourselves. I am proud of the free laboring-men of my country. They are men who love good government, who love our institutions, who work and battle for the cause of free labor. Many of them, sir, are men who have served their country on land and on sea. They are men, sir, of intelligence, the peers of the gentleman from New York, of warm hearts and generous impulses, men of great souls. They are men that have reared for themselves homes that we delight to point to as monuments to the intelligence, virtue, patriotism, and mechanism of our American mechanics.

Sir, there is no parallel, and I defy my friend from New York to point to any other people that have accomplished in so short a time that which has been accomplished by the laboring-men of California. Their institutions of learning, their works of art, their inventions will compare favorably with those of any other country; for industry, frugality, economy, intelligence, and good morals they are everything that is required to make the good and patriotic citizen. And when the gentleman from New York attempts to slur them, he either speaks of those of whom he knows nothing at all, or he allows his prejudices to warp his better judgment.

Pass this bill, Mr. Speaker, and we will have but discharged a duty that we owe to free labor and to the intelligence and patriotism of the laboring people of our common country.

Mississippi Levees.

SPEECH OF HON. H. D. MONEY,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 5, 1879.

The House having under consideration the bill (H. R. No. 4318) to provide for the organization of the Mississippi River commission, and for the correction, permanent location, and deepening of the channel, and the improvement of the navigation of said Mississippi River, and the protection of its alluvial lands—

Mr. MONEY said:

Mr. SPEAKER: It would perhaps be well, to enable the House to understand the bill under consideration, that it should be informed as to the intentions of the committee reporting the bill. The committee found upon examining the records that for many years the committees both of the House and the Senate have reported to their respective bodies bills recommending appropriations for the purpose of protecting the alluvial lands of the Mississippi from inundation; that in these reports the committees have been unanimous. We have no knowledge of any minority reports, or of any single member dissenting. None of these bills, however, have ever received a favorable consideration from either House. Some members of this committee have served on it for four years, are deeply interested in this question, and have given it a thorough and careful examination. They fully recognize its importance to the whole country as well as to their own section; and they were anxious to submit some proposition that would receive the undivided and cordial support of every member of their committee. They fully appreciated the value of a united committee; they know that it is indispensable in pressing such a bill to a successful issue that there should be no division.

The House will please recollect that the jurisdiction of this committee has been enlarged by resolution of the House, and the matter of improvement of the navigation of the Mississippi River was put in their charge. There has never been any effort made to regulate a river of the size of the Mississippi in order to improve its navigation, and the committee soon had presented many different theories and plans for improving the navigation and protecting the alluvial lands. Each of these theories had its advocates in this House, and the committee found it impossible to frame a bill which would adopt any plan without encountering such opposition as would hazard its passage. The committee themselves could not agree as to a particular plan of improvement; therefore it was thought best to present this

bill as the best possible to secure a favorable consideration. It organizes a commission who shall consider all plans that may be suggested by themselves or any other person to secure the object in view, and designed leaving the commission entirely free and untrammelled in the performance of their duty. I beg leave to say to gentlemen who have been prompt with amendments incongruous or antagonistic to the bill, that this bill is not a hasty presentation of the judgment of this committee; and it is because the committee have examined engineers, consulted books and reports deemed authorities in hydraulic engineering, and have labored long and assiduously upon the task assigned them, that they have hesitated to present any theory for the approval of this House.

Mr. Speaker, we have not had before us any new theories; those that have been urged upon us have long been familiar, and have had illustrations in the treatment of European rivers; but the Mississippi is *sui generis*, and we cannot rely with certainty upon any method heretofore applied to produce the results that have been obtained. The report of the present distinguished Chief of Engineers embodies the most careful, extended, and exhaustive series of observations ever made upon any great river, and is the highest authority on the subject; but the conclusions reached in his report are not accepted by some engineers entitled to respect and would meet with opposition on this floor. I mention these facts to show the necessity resting upon the committee to report just such a bill as you have before you. As far as I am individually concerned, I consider the two questions of the improvement of the navigation of the Mississippi and the protection of its lands as interdependent, and they cannot be dissociated. To solve these questions I consider the levee, jetty, and outlet systems combined to be necessary. But in framing a bill to secure an object two things are to be considered: what we want and what we can get; so I defer my wishes and judgment to the judgment of the committee.

I shall not attempt to argue the constitutional power of Congress to undertake this work. These questions cannot remain always debatable; they must some time be settled; and this has been settled by numerous acts of Congress and of the executive department. The nation is committed to this work; she has given millions of acres of land and appropriated money for surveys for the purposes of this bill. The work must be done, and no power but that of the Government can do it. It is dangerous to reason by analogy on constitutional limitations of power, but if there is a power to buy Louisiana, the great territory of the Gadsden purchase, and Alaska, then there would seem to be a power to redeem thirty-two thousand square miles in the center of the Republic, with a homogeneous population and the richest soil beneath the sun. Considering the policy of such action, it is unnecessary for me to enlarge upon the advantages to the whole country that must arise from the protection of this magnificent domain. The character of that domain, its area, its capacity, have been so fully set forth by my eloquent friend from Louisiana [Mr. ELLIS] that anything by me must be merely supplemental; but I beg to call your attention to this fact, that the vast supply of sugar we receive from the Antilles must soon sensibly decrease, and we must prepare to produce at home. Porto Rico and Cuba have furnished us almost entirely with this necessary commodity, and they have produced it by slave labor. Porto Rico in 1873 emancipated her slaves, and by the decree of 1868 all children born of slaves in Cuba are free. This changed relation of labor to capital, judging by the experience of the past in the West Indies, will occasion a sensible diminution of production, and the rich plains of Louisiana must be able to supply the deficit. Cotton is the largest of American exports. It has been the most powerful factor in restoring to us the balance of trade. Thirty-six States were represented in the convention held in London in 1862 under the auspices of the Manchester Cotton Supply Association. The object of that convention was to dispute our supremacy in the cotton market of the world. The redemption of the cotton lands of the Mississippi Valley will place that supremacy beyond all question, and will increase the national income from the cotton crop millions annually. These facts may be deemed as the argument of a sectional interest, but they are so national in their effects that they will reach the remotest community in this Republic, and deserve the thoughtful attention of the political economist, the statesman, the business man, and the patriot wherever he may live in this Union. But, Mr. Speaker, upon this branch of the subject I am too full for the short limits of this debate, and it has already been well discussed. Let us turn to the other work of the commission, the improvement of the navigation of the Mississippi River. I believe there is no doubt in any quarter of our power and our duty in this regard.

The magnificent system of rivers of which the Mississippi is the grand trunk comprises thirty-five rivers and fifteen thousand miles of water-way, floating the largest inland commerce on the face of the globe. Upon these avenues of trade float more than three thousand vessels, with a carrying capacity of about five hundred thousand tons. This vast fleet is largely increasing year by year and pushing its pioneers into rivers of the far West and Northwest that were unknown to the school-maps of half a century ago. Over thirty steamers more than a year ago were plying upon the Upper Missouri and the Yellowstone. The Mississippi is the outlet of this vast commerce for the enormous agricultural productions of the fruitful and abundant West. The exportation of grain and of meat and other products of the farm gained each year an enormous increase. As greenbacks reached par

with gold, and property settled down even below its true value, business failures multiplied, and hard times prevailed, the question of transportation magnified in importance. That question regulates our business. We have multiplied the facilities of internal commerce; what the country now needs is cheap transportation from our farms to the markets of the old world. Transportation by rail, when agricultural products are as cheap as now, becomes an item disproportionate to the price received in the market.

Commerce, then, reverts to its old water-ways and demands every facility at our hands. The means of water transportation have changed. A single tug carries down a fleet of barges whose cargoes would load a train of five hundred cars. One tug carried a tow of barges into New Orleans carrying six hundred thousand bushels of coal, a freight for eighteen hundred cars. These are the armadas of peace that are to conquer the commercial world. The export of corn increased from twenty millions to seventy million bushels in three years, from 1875 to 1877. In 1876 we exported five hundred and fifty million pounds of pork, worth about \$70,000,000, thirty-four million pounds of beef, millions of bushels of wheat. A slight decrease in the cost of transportation of these quantities to European markets would bring prosperity to the agricultural States of the Mississippi Valley. Every obstruction in the navigation of the Mississippi enhances the price of freights. The expense of one hour's delay of an Upper Mississippi steamer is estimated at \$16 per hour, of a Lower Mississippi boat a greater sum. These boats in contracting for freights must consider the probabilities of delay, and their tariff has a corresponding margin.

The rapid settlement of the Northwestern States, the breaking of the sod on millions of acres of prairie, and the clearing of the forests from a thousand hills have increased the heights of the Mississippi floods and shortened their duration, by precipitating the rain-fall of that vast region, and has also injured the navigation of the river by producing a lower stage of water in the dry season, and by sending down a much greater quantity of sediment which forms bars where they were never known before. Within two scores of years shoal water has extended from Plum Point, one hundred miles above Memphis, to Lake Providence, a distance of four hundred and fifty miles; and as these causes are continually extending, the navigation of the whole river will be threatened. Considering the vast interests at stake, is it not time that this Government should be taking measures to remove the present and avoid the threatened evil. The total amount of money spent on all the rivers of the Mississippi system is about eighteen and a half millions of dollars; while in the single State of New York the Government has spent \$7,594,000 for the improvement of its rivers and harbors. That State has spent on her canals sixty-four millions, and found it a profitable investment.

I have not time, Mr. Speaker, to enlarge upon the magnificent results of a comprehensive and liberal effort in the direction I have indicated. I have attempted to be suggestive rather than argumentative. The subject is too vast to be pursued through all its ramifications. The spirit in which this measure should be considered is too broad for the narrow amendment of the gentleman from Illinois. He endeavors to forestall the commission and restrict its action. He condemns in advance a measure that has received the approbation of every engineer commissioned by the Government to examine it, and commits the House to legislation unfriendly to the section that I have the honor in part to represent on this floor. I commend this bill as reported to the members of this House, trusting to their enlightened statesmanship and wisdom to put upon it the seal of their approval and to inaugurate a measure which must redound to the common welfare of the whole country.

Army Appropriation Bill.

SPEECH OF HON. J. R. CHALMERS, OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 8, 1879,

On the bill (H. R. No. 6145) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes.

Mr. CHALMERS. Mr. Chairman, I shall vote for the amendment to reorganize the Army because of its great reduction of unnecessary expense to the Government, though I am by no means satisfied with the details of the amendment. In fact we have been so much intimidated by the frequent insinuations that those who sustain the staff in this controversy have been seduced by the soft blandishments of social intercourse which the local staff in Washington is supposed to throw around the unsuspecting members from the rural districts that I am almost completely bulldozed on this question. I believe, however, that there are and have been during the pendency of this bill as many, if not more, line officers than staff officers in Washington, and I must say, so far as I am concerned, that there has been more effort to lobby me by the friends of the line than those of the staff. I have consulted staff officers upon the subject, but it is due them that I

should say no member of the staff has ever conversed with me upon the subject except at my own solicitation. There is much in the bill reported by the Committee on Military Affairs and now offered as an amendment to this bill to make appropriations for the Army that I highly approve. The war left us with a large number of unnecessary officers, who should have imitated the Roman virtue of Cincinnatus and with the cessation of hostilities have returned to the peaceful avocations of civil life. But they did not, and a grateful people, forgetting the true principles of our Constitution, not only would not retire them forcibly, but, on the other hand, conferred rank, wealth, power, and every mark of nobility upon them except the name. When the bill to create the office of Lieutenant-General for General Scott was under discussion a distinguished American statesman, I believe it was General Cass, said he hoped the time would never come when pecuniary reward would be bestowed upon men for military services; but that time has come and is now upon us.

This amendment shows that there are now five more general officers in the Army than are necessary, and the acts creating the offices of General and Lieutenant-General limit the office to the life-time of the incumbent, showing that it is wholly unnecessary. If the Army is top-heavy, as asserted in argument and as I believe, the commission to reorganize the Army should have struck at the top and not at the comparatively defenseless subordinates. Every office created by Congress may be abolished by Congress, and no man has any vested right in any office not provided for in the Constitution—in other words, which is not a constitutional office. I approve of the reduction of officers, the reorganization of regiments, and the increase of enlisted men in companies; but I do not approve of making the reduction of officers at the expense of the staff more than the line, nor do I believe it wise to make the line constantly interchangeable with the staff. And upon this subject I call attention to the following extract from a letter from Major-General Pope:

I cannot understand by what process the belief is arrived at that the Army would be benefited by this interchangeable relation between the line and staff. The bill requires that all details for staff duties in the Adjutant-General's, Supply, or Pay departments of the Army (below the grade of major) shall be made from the line, to be retained for three years only in such staff position and then returned to duty with their companies, but subject to detail for another three years, and then another in other staff departments. In other words, the bill requires that none but officers inexperienced in such staff duties shall serve on the staff, as it enforces their withdrawal as soon as they are competent to perform the duties and their replacement by new and inexperienced men. How efficiency is to be secured in this manner is hard to see.

The administrative duties of the staff of the Army constitute a business much like any other business, and alike subject to business rules quite governed by common sense. Whether it would be considered business sense, or even common sense, to intrust the varied and extensive business duties of the staff departments to persons wholly inexperienced in them, whatever might be their intellectual capacity, I leave for the decision of those whose duty it is to decide.

The experience of mankind in commercial, professional, and scientific communities has for years been tending directly to the organization of all forms of business into "specialties." It has grown into the actual knowledge of all persons whatever engaged in every pursuit that only through the agency of specialists can successful general results be looked for. Why the experience of mankind should thus be arrested and turned back to old systems for the Army I cannot explain to myself. The business of each of the staff departments is a specialty, and to perform it requires practical knowledge of business methods and of minute details which cannot be had without study and experience. It is not to be supposed that a captain or lieutenant of the line of the Army whose whole service has been with troops on the frontier, or even at isolated military posts on the eastern seaboard, can have the slightest acquaintance with business methods or business men. Surely no business man could ever think of selecting such persons to do business of this kind for him. The idea appears to me to carry absurdity on its face.

But it is not alone nor mainly on this account that I consider that feature of the bill unwise. The effect of this interchange between the line and the staff would, in my opinion, be exceedingly injurious both to the line and the staff officer, and of course to the Army generally. The pride in arm of service, in regiment, or in staff corps, would be completely lost. Serving for three years in one staff department, and being relieved from it just as he learned its duties to be returned again to his company, and again detailed for three years in some other staff department, and again and again changed in this manner, is hardly such a career as would give an officer any pride of professional ability in any branch of the service, or indeed any sufficient knowledge of any one of them to do its duties with that efficiency which the service demands. Every captain and lieutenant in the Army would, by these methods, become a Jack-of-all-trades, and not only master of none, but absolutely without special interest in or feeling for any. Every military man knows how essential to that martial spirit, without which an army is valueless, is the pride in regiment, or division, or corps, or arm of service. Is it believed that the interchange of duties, as proposed by the bill before Congress, is likely to increase and encourage or to destroy this element so vital to the efficiency of the Army? Why should a line officer detailed into the staff (and in speaking of the staff I refer mainly to the Supply and Pay departments) feel any special interest in the staff corps to which he is assigned or in its duties? He knows that he is to be relieved in three years, and that no reputation nor knowledge there acquired will be of service to him or counted in his favor when he rejoins his company. The same remarks precisely may be made concerning the staff officers assigned to the line and re-detailed afterward in their former or other staff departments. In fact, according to my judgment, the effect of the bill in this respect will be to assure inefficient officers in both the staff and the line, and will work equal injury to all arms of the service, whether of the line or staff. I cannot, therefore, bring myself to concur in that part of the bill reorganizing the staff departments.

It has been argued that there is an antagonism between the staff and the line, and we have been told that it is a great hardship that the line should be debarred from promotion into the staff. This is not true in fact; almost every officer in the staff came from the line, but they came in at the lower end, and have been educated up and promoted in the staff department to which they were attached. The object of this bill is now to open the staff at the top and permit officers to be taken from the line and put over the heads of men who have become proficient in their respective departments. This, in my judgment, is unwise and unjust.

During a war the fighting men in the line win all the glory, and the staff officer, who is ridiculed and almost despised by the line, however valuable his services may be, is lost sight of and absorbed by his immediate commander, and at such time the ambitious men avoid the staff.

But the staff officers are supposed to occupy soft places, and, if rumor be true, it is proposed now to deprive the country of the services of some of its gallant Indian fighters and put them in feather-beds awhile. It is unjust to the men who have borne the burden of the staff offices when they were not desirable and have become efficient in the discharge of their duties that they should be now turned out or superseded by others. It is unwise for the Government that trained officers should constantly be turned out to make room for untried men in their places. And it would be hurtful to the service to take gallant fighting men of the line from the field and put them into the staff, when, like many gallant men now on the staff, they will be subjected to the reproach of being "feather-bed soldiers."

But strong as my convictions are upon this subject, as I am compelled to vote for or against the amendment as a whole, I must vote for it. It is a step in the right direction and should be followed up until the Army gets back to the place it occupied before our civil war.

Transfer of the Indian Bureau.

SPEECH OF HON. WM. J. BACON, OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 8, 1879,

(On the bill (H. R. No. 6145) making appropriations for the support of the Army, and the amendment of Mr. BOONE.

Mr. BACON. Mr. Chairman, I dislike to avail myself of the permission granted by the House to those members who were not fortunate enough to obtain the floor during the discussion. It would be superfluous to say that I was not able to catch the Chairman's eye, for if such an attempt had been made and successfully achieved it would have availed nothing in competition with that inexorable roll which excludes one from being heard at the moment he wishes to speak, as remorselessly as the roll of the condemned during the Reign of Terror consigned its victims to the guillotine. I was especially desirous of answering at the time the very pointed, and what was intended to be the effective exhortation of my esteemed colleague, [Mr. Townsend, of New York,] addressed specifically to his brethren on our side of the House, and designed to gain them over to the cause he had espoused, and delivered with the air and manner of a prosecuting attorney attempting to wring a verdict from a reluctant jury. I never listen to my colleague without pleasure, and generally with instruction, but I may be permitted to hope that in the new rôle he is about to play he will be more successful with a hesitating or recalcitrant jury than he proved to be on the occasion in question. The result of the vote showed that he made much less than his usual impression, for the net outcome of his following among his colleagues was not over two or three, and the great majority of the republican side of the House stand where they did at the last struggle on the same question, on the side, as I cannot help considering it, of humanity, justice to the Indian, and vindication of the sound policy inaugurated during the administration of General Grant, and so ably, and, I will add, so honestly administered by the Department of the Interior under its enlightened and energetic head. I can only be heard now by a courtesy which to some extent overrides the tyranny and obstructiveness of our rules.

I had occasion, Mr. Chairman, to examine last year the results which, amid many obstacles and discouragements, and it need not be concealed, some sad failures and derelictions, had been brought about in the administration of our Indian affairs up to that period under the agencies instituted by the Commissioner of the department and his coadjutors upon the commission; and they exhibited results which certainly to me seemed to be of the most satisfactory and gratifying character, and a degree of progress in the melioration of the condition and the advancing improvement and civilization of the Indian tribes that no previous period had witnessed.

I have had occasion to pursue and continue the same investigations this year, and the result has been equally gratifying; and I can only express my surprise that any gentleman upon this floor who has had the opportunity, as we all have had, to take up this line of inquiry, can come to any other conclusion than that it would be most unwise and hazardous to arrest at this stage the progress of this great experiment and turn over again our Indian relations to that Department from which by the adoption of the policy we are now pursuing they were rescued. What interest, what department, what branch of our Government service demands this change? Certainly it has not been called for by the head of the War Department, or any of his subordinates, so far as we have been given to understand. It is not the demand of the Army as such, for in this service no honors are to be gained, no

laurels won that can adorn a soldier's brow. It is to them, as I fully believe, a hard and unwelcome service, and although they will perform it, if the charge is laid upon them, with all fidelity, yet I am quite sure it is one the Army does not seek and would gladly be excused from. Indeed, I strongly suspect that the pressure comes from quite another quarter, and another army, made up of speculators, and jobbers, and members of rings, whom the vigilance of the head of the Interior Department has met and thus far successfully resisted, constitute the main body of that pretended host that demands this change.

But it is not my purpose to argue this question, which indeed to my mind needs no argument. I only desire to put on record my earnest and solemn protest against the change proposed by this amendment of the entire policy we are now pursuing in the great problem how we shall best fulfill our duty as a civilized and Christian nation to these scattered and parted tribes. I protest against the change proposed by this amendment.

First, in the name of naked justice and common humanity. We are endeavoring to draw these people away from savage habits and warlike proclivities, and to instill into them the instincts and allure them to the pursuits of a quiet, peaceable, and pastoral life; and shall we now turn them back again to the war-dance and the war-whoop which will inevitably be awakened within them when they are told the old policy is resumed? Shall the Army again be summoned to take that charge and oversight out of which arose the atrocious massacre of Chivington, the immediate and natural result of which was a cruel and protracted war, from which we suffered in the end probably far more than the Indians, and from which, if invoked, we may predict another such revolting and sickening tragedy as we have just witnessed in what was little less than the murder outright of nearly fifty unresisting Cheyennes shut down in a pit like so many wild beasts of the wilderness. The mind revolts and the heart sickens at the possible repetition of such scenes of horrible ferocity. To hand over the management of our Indian affairs to the War Department would not only in my judgment be inhuman, but it would entail far greater evils than any that now form the staple of complaint against the present system. It has been affirmed in the course of this discussion, and no one has ventured to question the statement, that "the record shows that the greatest, most destructive, and most costly wars have been caused not by the civil but by the military agents of the Government, and the greatest frauds ever perpetrated against the Indians have been carried through while they were under the charge of the War Department."

I protest in the second place against this proposed change in the name and on behalf of the Indians themselves. Of all the chiefs of tribes that have visited the seat of Government since the agitation of this subject began, not one has declared himself in favor of the change, but every man of them has lifted up his voice loudly and strongly against it. And in this matter, beyond all question they represent the all but unanimous voice of their people, for upon an investigation ordered and prosecuted among the tribes upon this very subject, it is stated upon authority that while ninety thousand Indians opposed the transfer to the War Department, less than three thousand expressed themselves in its favor.

And finally I protest against it in the interest of our Christian civilization, and in the name of the good and truly religious men of all persuasions who are engaged in the beneficent work of educating and instructing the Indian in the arts and pursuits of civilized life, and endeavoring to impress upon him the truths and bring to him the privileges and consolations of the Christian faith. I know it is fashionable with a certain class of minds who cater to popular prejudices or indulge an innate propensity to attribute evil to those whose disinterestedness they cannot appreciate, to cast reproach and indulge in ridicule upon some of the agents and employés of the commission for acts sometimes charged as malfeasances and at others as imprudences and weaknesses. And this is done not in low places only, but in those which, by courtesy at least, are termed and treated as high places. But while confessing with mortification and regret that there have been, on the part of some few professing better things, instances of sad defection, they have been very small in number compared with the great array of truly good and sincere men who have entered with hearty zeal into the great work of civilizing and Christianizing the sons of the forest. In this good work they should be sustained and cheered by our approving voices and concurring votes.

Let us listen attentively and reverently on this subject to the recent eloquent and pathetic appeal of the more than apostolic Bishop Whipple, who has devoted, in view of his present declining health I may perhaps say given, his life for the welfare of this poor and persecuted people. I confess that I have been deeply touched by this earnest appeal from one who years ago chose the hard lot of ministering, as far as possible, to the spiritual wants of these scattered tribes, as well as caring for and endeavoring to advance their temporal welfare. To this cause he has devoted the zeal of the most self-sacrificing missionary in any land, and deserves to be ranked with the martyrs and confessors of the earliest ages. In words of pathetic entreaty and burning indignation he urges the nation to adhere to its present policy, and not countenance by word or vote a return to the system which had its origin in the spirit of violence and encroachment, and has been sustained by those who have already perpetrated and are now contemplating aggravated wrongs and augmented frauds. I shall listen

to those words, for I fully believe in their sincerity and truth; and as long as I have a voice or a vote will never consent to abandon the peaceful and beneficent policy which has already reached results that gladden the heart of every good man in the land.

The Mississippi Levees.

SPEECH OF HON. WM. J. BACON,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 5, 1879.

On the bill (H. R. No. 4318) to provide for the organization of the "Mississippi River improvement commission," and for the correction, permanent location, and deepening of the channel, and the improvement of the navigation of said Mississippi River, and the protection of its alluvial lands.

Mr. BACON. Mr. Speaker, I have desired to occupy a few moments of the time of the committee in stating some of the grounds which will determine my action upon this bill and the proposed amendments thereto. And my object will be mainly answered by saying that I concur fully in most of the views so ably presented by the gentleman from Massachusetts, [Mr. ROBINSON,] himself a member of the committee that reported the bill to the House. I agree with him in supporting the general object of the bill and in approving with some slight modifications, which I understand will in due time be made, the provisions embodied in the first nine sections of the bill, and in disapproving and dissenting from the amendments which are brought in by the committee, but not, as we are given to understand, with the full concurrence of the committee, and I especially and emphatically dissent from and protest against all the other proposed amendments, including the one offered by the gentleman from Texas [Mr. REAGAN] and the one offered by the gentleman from Louisiana, [Mr. ELLIS.]

Now what, Mr. Speaker, are the objects sought to be accomplished by what may be termed the bill proper? They are in general terms the improvement of the Mississippi River by deepening and if possible confining its channel in such way as shall make it most available for commercial purposes and obviating some of the evils and dangers that attend its overflow. It is I know quite commonplace to speak of the importance of the Mississippi. No man on this floor shall surpass me in admiration of that noble stream, which, leaping into the light almost amid arctic snows, sweeps on in its majestic course until it nearly reaches the torrid zone before it unites its waters, swelled by tributaries and affluents which are themselves among the grandest rivers on the continent, with those of the Gulf of Mexico.

Nor less is its importance when considered as a great artery of commerce than as a link, and that by no means an unimportant one, in the chain that binds our Union together. I well remember, both before and during our recent and most lamentable fratricidal contest, when the insane project of severing the Union which our fathers gave to us was entertained and discussed, and the line of separation was attempted to be marked out, that it was most aptly and pertinently asked, "But how do you propose to divide the Mississippi?" Are its waters to be arrested in mid-course, and while one-half run down their once full and flowing, but now desiccated, channel to their final disembogement, are the rest to stop, or by some process which shall reverse all nature's laws be turned back to their northern home, or deflected westward find a discharge on the shores of the far distant Pacific? So chimerical a scheme was not for a moment to be entertained, and so the waters rolled on making in their wild and turbulent flow sweet music for the Union. No such arrest ever can or ever will be made. We are told by the Roman classic of a rustic who once stood by the banks of a stream waiting in the expectation that the waters would soon all flow by and leave the channel empty and bare before him. But the same authority tells us of the stream whose departure was thus vainly waited for—

At ille
Labitur et labetur in omne volubilis ævum.

And thus will it ever be with this "exulting and unbounded river." It will run on through the everlasting ages, bearing on its bosom the swelling tide of an ever-increasing commerce, spreading fertility and abundance to all upon its borders, and fortifying and perpetuating that Union which it binds together in inseparable bonds.

The objects which are sought to be accomplished by the nine first sections of the bill are the proper and adequate survey of the river and a determination of the best plans for its real and permanent improvement. The surveys and examinations which have heretofore been made are but fragmentary and incomplete, made by different hands at different periods, and some of them upon very diverging and even opposing theories. Engineers and surveyors and scientific men are not at all agreed upon the plan which should be adopted either for an adequate survey or a practical and feasible improvement. And for the purpose of making such a practical and complete survey, and in order to determine how far we shall proceed, if at all, in the further improvement of this river, there is a sufficient appropriation made in the bill to provide for the execution of this survey and nothing

further. Until that survey is made, and the proposed plan submitted to Congress for its future action, not another dollar shall with my consent be appropriated. My support of the bill "hath this extent, no more."

But the amendments propose to go much, very much beyond this, and to appropriate now at once from three to five millions of dollars, and direct that without a full preliminary survey and submission of a plan which shall meet the approval of Congress, the work shall be immediately commenced, and various sums are allotted to the several States through which the waters of this great river run, or whose shores they wash. To all this I am unalterably opposed. It seems to me most unwise, and I am almost tempted to say it would be a profligate, I am sure it would be an improvident waste of moneys were we to vote for such enormous sums upon such an imperfect and inchoate work as this now is. If we should be tempted to do this, we should be like those foolish builders who begin the construction of a house without ever having devised a plan or estimated the cost of the structure, but with a blind confidence that all will come out right in the end. This would indeed be an entering-wedge of which we have heard so much, the result of which no man can foresee or foretell.

There is another suggestion of the gentleman from Massachusetts which demands at least a passing thought if it does not require a good deal of serious deliberation. It is substantially the question of jurisdiction in respect to the work which the amendments contemplate. A vast system must be inaugurated, extending through and over the boundaries of sovereign States, some of which we well know are very jealous of their sovereignty. Will, then, the Government of the United States, it is very pertinently asked, enter the Mississippi Valley, not, indeed, in armed bands, but with legions of employés, and expend untold millions upon land where it has not a vestige of title and over which it has not a particle of jurisdiction? Who shall guarantee that these servants of the Government shall be unmolested in their work, and whose shall be the work when it is all completed? What system of supervision shall be devised and what measures of police adopted for the proper protection of those engaged in and the adequate care and protection of these contemplated works? Will not the States within whose borders or the individuals upon whose lands these works are to be carried on have something to say and perchance something to do in this matter? These are far from trifling questions, and they may as well be asked, and if possible answered, and answered satisfactorily, before we enter upon so serious an undertaking.

For my part I think the States have something to do in this matter, and it may be quite well to ask here and now if a duty does not devolve upon them which should be promptly and manfully met, and to some extent at least be discharged.

The committee in their report advert to the fact as one of great significance that "the single State of New York had up to the close of 1866 expended \$64,710,832 in the construction, improvement, and enlargement of her thirteen hundred and eight miles of canals." It is a striking statement and so pregnant with meaning that near the close of the report it is repeated, with the addition that this was done at an average cost of \$49,000 per mile. This is, indeed, an important fact as showing what a single State can accomplish when thrown upon her own resources. The work in which New York was engaged was one which might have been fairly claimed to be of national importance, for upon the internal waters thus created has been floated to the great commercial city of the Union a large proportion of the produce which the teeming West and North sends to market. So great was the work to be accomplished and such national importance did it assume, that at an early day the assistance of the General Government was invoked. That assistance was denied. I will not say it was improperly or unjustly denied, but New York did not falter in her high purpose. She was in her comparative infancy, not hardened into the bone of manhood. She saw and felt the weight of the incumbrance, but she saw also where her true interest lay. She bravely faced the future and trusted in it, and she incurred what at that time might well be deemed a formidable debt. She felt assured that time would justify and approve her enterprise, and by her unaided energies she accomplished a work which is now and will continue to be the admiration of ages.

This example of my State was cited by the committee in their report for some purpose. I avail myself of it as a striking testimony of what a State can do that is alive to her interests and is not afraid to run some risks and assume some burdens, even although for a time they may press heavily upon her, where the promised and we may say the assured outcome will be a vastly augmented commerce and in time a profitable return for the investment. The Mississippi in her course washes the shores of eight large States increasing constantly in population and resources. The tributaries of this great river intersect, we are told, eighteen States and Territories. Some of them do not indeed now overflow in resources, but they have not only the possibilities but the potentialities of great prospective wealth. If the levee system shall be ultimately adopted and carried out vast quantities of land now incapable of permanent occupation will be redeemed, and they will be immensely fertile lands, susceptible not only of easy but of most profitable culture. These lands will be the property of the States wherein they are situated or of the people who live near or upon the borders of the great stream from whose sudden and oftentimes destructive overflow they are to be reclaimed.

Shall not, then, these States be called upon to do something in their own behalf? And is it quite fair to the remaining States which have, unaided, executed the works of improvement in which they were more directly interested, and which were for the most part, if not wholly, within their boundaries, that the General Government should be called upon and be expected to take the whole responsibility, furnish all the means, and perform all the labor required to produce results which mainly conduce to the benefit of the sections wherein the work is to be carried on?

In conclusion, I desire to say that while I have always favored and am willing and ready to vote for all reasonable and proper measures of encouragement to works of internal improvement of national character and importance, there are some objects that just now seem to me to claim more immediate attention and which I am most anxious to see accomplished; and in brief they are, in the first place, the maintenance of the public credit in its fullest sense, the honest payment of the debts of the nation in honest money; and this, by a faithful adherence to the policy we are now pursuing and by the wonderful success which attends the refunding of the national debt in 4 per cent. bonds, we are fast attaining. We have "run well" thus far. What shall hinder our reaching the goal we are straining after? Nothing, unless we are misled by false lights or untrustworthy guides. From all such may the good Lord deliver us.

In the second place, I am especially desirous that the nation should speedily free itself from the obligations we are under to parties in our own country and in foreign lands where we hold funds either as the custodians or trustees thereof, or those retained in our hands concerning which we do not stand in the position of depositaries in any sense, but hold them without right and assert no claim to their retention. With this view I advocated the bill to distribute the balance of the Geneva award; and although the form the bill finally assumed was not in accordance with my views, and I should have preferred the measure by which it was proposed to commit the adjudication of all claims upon the fund to the Court of Claims, still as it proposed a mode by which the money now locked up in the Treasury, to which we assert no national claim, can be unlocked and be put in the way of reaching the true owners, rather reluctantly, I confess, I gave it my support. And before the adjournment of this session, and I vacate my seat in this Hall, I hope to have the satisfaction of recording my vote for two other legislative measures, the effect of which will be to restore to China and Japan the sums of money which belong to those nations respectively, and in regard to which we neither assert nor pretend to have the remotest pretense of a claim. It is above all important that in these matters we present to the world a fair and unimpeachable record. And when we have done all this, and which I hardly need say is the simplest dictate of common honesty, the words "national honor and good faith" which fall at times perhaps too trippingly from our tongues will have meaning as well as power, and be something more than "sounding brass or a tinkling cymbal." With nations as with individuals, integrity of purpose and straightforwardness of dealing is "the immediate jewel of the soul," and in the absence of them we fall into that condition which, with a slight change of expression but no change of its spirit and adapting it to our own land, is described in the fervid and indignant words of Burke when he said: "The age of purity is gone; that of calculators, economists, and repudiators has succeeded, and the glory of America is extinguished forever."

Transfer of Indian Bureau.

SPEECH OF HON. J. H. STEWART, OF MINNESOTA.

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 8, 1879.

On the bill (H. R. No. 6145) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes.

MR. STEWART. Mr. Chairman, the question that most nearly concerns us all at this time, as a nation and a people, the one that troubles the American conscience, that stands in our pathway as an accusing angel with a drawn sword, that will not down at our bidding, but answers our attempts to ignore it by such incisive announcements as these, "another Indian outbreak," "ranches raided," "stock run off," "settlers murdered," "women ravished and killed," "children butchered," "the frontier settlements in great danger," "a general Indian war threatened," the all-pervading, ever-present, always-threatening question that troubled our childhood dreams and perplexes and baffles our wisest statesmen, is the never-solved Indian question.

It would be presumption in me to assume that I have arrived at the proper solution of this question, and yet I am sure that it could be settled were it true that the dominant white race is willing to treat these outraged, oppressed, and yet proud and haughty people with any fair degree of justice; but the truth is that the whole history of the treatment of the Indians, with occasional exceptions, has been such as should bring the blush of shame to the cheek of

every man who feels that the honor of the nation is inseparably connected with his own individual honor. It is no excuse to say that these people are wild barbarians, untamed savages. This fact, so far as the statement is true, is an additional charge against us.

The colonists of Plymouth and Jamestown were kept from perishing by the corn that had been cultivated by the ancestors of these "savages" in the vicinity of those settlements, more than two hundred and fifty years ago, and which was furnished by those kind-hearted savages to the helpless and starving strangers, our own progenitors.

How have we paid them back, those simple-minded children of the forest who looked upon our fathers as superior beings, received them with hospitality, and gave gifts to them? The true answer is in a series of chapters that every lover of his country may well wish could be effaced. The Indians have been wronged and robbed by the white usurpers of the continent, by the Government and by its agents through all the shameful history that marks the gradual destruction of those millions who once occupied the country, till at present but a few scattered thousands remain.

Slavery, the twin crime, has been abolished, and philanthropists are now looking more than ever before to see whether it be not possible that justice can be rendered to the Indians; whether it is not possible to really reach the Indians by the paternal hand of the Government and make them feel that the Government is their friend. This nation has paid and is paying a fearful penalty for the crime of slavery. It has long been paying a heavy penalty for its wicked treatment of the Indians. Our national conscience has always been accusing us. God called to the first murderer, Cain, "Where is thy brother Abel?" And we have been trying to stifle our national conscience during generations of wrong and robbery by the pirate's doctrine, "the destruction of the helpless," or, in more solacing phrase, "the survival of the fittest," while their blood has been ever "crying from the ground" against us. They have gone from their homes, their fields and forests and streams, from their pleasant places, and from the graves of their dead, where they believed the spirits of their departed friends met and communed with them—gone before the relentless tread of the white man till there are millions of our people living to-day who never saw the face of an Indian.

We have been sending millions of dollars, and hundreds of men and women to civilize and Christianize the heathen of Asia, Africa, and the islands of the sea, and to be eaten by them, while a nobler race within our own borders has not only been neglected but has been made the prey of thieves, robbers, and plunderers, whose black and damning record cannot be wiped out, but which the pen of the historian will write against this nation. And we stand to-day, every one of us in official position, guilty of participating in this crime, if we do not do all that we can to right the wrongs that have been done, and to see that they shall not be repeated—more guilty than was the young man Paul, at whose feet the men threw their clothes while they stoned Stephen.

While there is so much to condemn in all this sad, sickening history, and so little that reflects credit upon the Government, so little that is satisfactory to the philanthropist and to our nobler sense of justice, and so much that makes us feel how really inapplicable is the title given by all the poor defrauded Indians to the chief officer of the nation, "Great Father," and how little we deserve the title of "brother;" it is perhaps unprofitable to draw any comparisons between different classes of our people, as between the officers of the War Department and those of the Department of the Interior, the military and the civil branches of the Government, touching their treatment of the Indians, with a view to commend either the one or the other, in the long past.

But inasmuch as Congress required an examination to be made, with the laudable object in view of choosing the least of two evils, the joint committee traveled many thousand miles, visited many Indian agencies, conversed with many Indians, and took the testimony of a large number of persons, including military officers and those in the civil service, the most of which testimony has been printed, and the members of our committee have submitted two reports, in which we arrive at different conclusions as a result, though all agreeing in two propositions, namely, that the condition of the North American Indians at the present time is bad, and that it is the duty of the Government to do better by them than it ever has done.

The testimony taken, the exhibits of statistics, and the two reports are all before us, and I trust that they will receive that consideration that the immense importance of the subject demands, for the idea is abroad in the land that this remnant of a great and powerful people is perishing in the heart of the country because of butcheries by the Army and robberies by the officials. We do well to give heed to the general belief, and if it be true that our sluggish national conscience is awakening, let us do what we can to quicken it till ere long every man, be he an official or private citizen, shall come to regard an Indian as a much abused, suffering, and needy brother, and then we shall have arrived at that period in our national history when the Indian question will trouble us no more forever.

The nation has had a very long and a very unsatisfactory experience with the Indians exclusively under the control of the War Department. The lists of wars against them, the millions of dollars, the hundreds of millions, spent in fighting them, the thousands of lives lost, and the frauds committed upon them by the officials, all

the way up to and including Cabinet officers while under the War Department, are all matters of national record, and a shameful record it is and one that no lover of his country desires to see repeated. The people have no guarantee whatever that an exclusive control of the Indian service by the War Department will not result in a repetition of the former crimes and outrages against and upon the defenseless Indians. While every unprejudiced mind will admit that in spite of all the thieving agents and the "Indian ring," a legacy from the War Department, aided as they have too frequently been by officials in high position, the Indians have improved more, have advanced further in all that pertains to a Christian civilization and in self-support, since they have been under the Department of the Interior than they have in all the previous history of the Government.

Our object is to move forward as a nation and a people, to go up higher as a whole, and to carry or lead up to a higher and better state or condition all the integral parts of our glorious Commonwealth. To do this we should take no steps backward. The Army is the right hand of war; we must invoke its aid and power in defense and protection; but war at best is barbarism, and the less we use its power and the symbol of it, the less cause we shall have for its use. I do not intend to enumerate or exaggerate the errors and crimes of men who have been intrusted with the honor of the Government in past times, but, lest my assertion may be doubted, that the history, the records of the Government, will show that the management of the Indian service while it was under the War Department was wickedly inhuman and criminally dishonest, I will briefly name some of the incidents connected with the rule by the War Department.

The Florida war cost more than fifteen hundred lives and more than \$50,000,000. The wars with the Sacs and Foxes, with the Creeks and Cherokees, and Sioux; the wholesale robbery of the Indians under Secretaries of War Eaton and Cass, Marcy and Crawford, in which not a few paltry thousands figured but where millions were filched from the Indians—these, and others like them, show the rule of the War Department. Then the Oregon war, the Navajo war, the war following the Chivington massacre, the Modoc and Sioux wars, although since the transfer to the Department of the Interior, are directly chargeable to the Army mismanagement. Each one of these has its recorded history, but they can only be named here, and the naming of them is quite sufficient to let us all see that for the protection, the preservation, and the upbuilding of the Indian race, we must look in some other direction than to the War Department. For a long, long series of years the Indians had been exclusively under the control of the War Department, while they have been but partially under the Department of the Interior for a comparatively limited period.

The so-called "Indian ring" came as a legacy from the War Department; and if the influence of that mysterious and yet wonderfully potential body has been exerted to keep the Indian service under the control of the Department of the Interior, I am not aware of it. That it has received and is receiving less favor than ever before, I am confident. That its power is broken, I hardly dare to hope, for its history is that while it disappears in one form it reappears in another. I am opposed to all violent experiments in national affairs. Even in the direction that we know to be right, it is safest and best to proceed with moderation and caution, for the progress of nations is marked by long periods only, and I appeal to the understanding of all whether at the very best the change of the Indian control to the War Department, in view of what I have shown, can be truthfully raised to the dignity of a hopeful experiment. On the contrary, do we not generally feel that the proposed transfer is a question of more than doubtful expediency? I am sorry to believe that there are those who look to this result as the quickest way of disposing of the Indian question and the Indians at the same time. And there are very many who appear to think that no possible condition of the Indian service can be any worse than it is at present.

To the former I make no appeal, but to the latter there is very much that can be said, even hopefully. These poor defenseless people are human beings like ourselves. They are found to possess all the elements that, when cultivated, make up the Christian character. They can acquire knowledge with rapidity, and it is an admitted fact that, with all the disadvantages surrounding them, of the three hundred thousand Indians within the United States and organized Territories, there are less than twenty thousand who are not obedient to and under the influence of Christian civilization, while a very large number are entirely self-supporting, and a very much larger number almost entirely so. The breaking of a treaty by the Indians is of rare occurrence, while the continual disregard of treaties by the whites is far too well known to be denied. The Indians know what they desire, what they wish, and all our experience with them shows that it is wisest and best to patiently hear their claims, listen to their wishes, and as far as consistent comply with their requests; and as a general rule it is safe to say that every dollar promised to the Indians and faithfully paid to them, or expended for them, has been productive of greater benefit to the Indians and safety to the frontier settlements than ten times that sum expended upon or by the Army in fighting them.

I take this occasion here and now, for and in behalf of all the good people of this country, those who love justice and mercy, who desire to do to others at least somewhat as they desire others to do unto them, to extend to President Hayes their heartfelt thanks and mine for the truly paternal manner in which he has on several occasions

listened to the pleadings of our red brothers of the forest and the prairie, and given to them the assurance that he will do all that he consistently can do to comply with their desires. I am reminded here of an incident connected with our martyr President, showing that he had the same sympathy for the Indians, and had he lived would undoubtedly have shown it in affording all the protection to them within his power. In 1862 or 1863 a large delegation of the wild Indians from the plains came to Washington, comprising the most noted chiefs of the Kiowas, Comanches, Utes, Arapahoes, and Cheyennes. Great effort was made while they were here to impress upon them the strength, majesty, magnificence, splendor, and power of the Government. An imposing reception was given to them in the east room of the White House by President Lincoln, which was attended by the members of the Cabinet, the foreign ambassadors, and many officers of the Government.

The Indians selected the noted Cheyenne warrior-chief and orator, War Bonnet, as their orator. He called for a chair, as he was too nervous to stand in that presence and address the President. Instead of claiming to be the superior race, War Bonnet placed his hand almost upon the floor and said, "We are poor; we sleep upon the ground; we feed upon the buffalo, we cover ourselves with his skin; we have come a long way to see our Great Father, and we find him and our white brothers living in great houses and wearing fine clothes. We have come to tell our Great Father that we are the friends of our white brothers," and then he made his requests of the President. President Lincoln gave the most thoughtful attention to the address, said he was glad to take them by the hand, glad to hear them say they were the friends of the white man, promised them gifts and presents, and assured them that while they continued the friends of the white man he would protect them and punish any white man who should molest them; then slowly raising his eyes while repeating the words of the chief, describing their condition, he said:

The Great Spirit has given us our lives as you see us. He has also given you your lives as they are. The time may come, it doubtless will come, when your children will live in houses, dress as we dress, till the soil, and live upon bread as we do; when that time will come I cannot tell. It is not for me to say that it has now come. I cannot say it.

President Lincoln thus recognized the gradual development of the Indian for citizenship and the justice of the Indian claim to have his wishes duly considered and regarded. War Bonnet was everywhere treated with marked distinction, and as he specially claimed to be the friend of the white man and asked to have a diploma to show that fact, a parchment certificate was prepared at the Office of Indian Affairs and sealed with the Department seal stating that "War Bonnet is the friend of the white man." This diploma War Bonnet always carried in his bosom, and he was always known as the "friend of the white man." It is a melancholy fact that this grand old chief War Bonnet, while resting in peace and security, as he vainly thought, under the flag of our country, was shot down at the Chivington massacre while holding in his hand and waving above his head the white parchment, the unavailing talismanic certificate that "War Bonnet is the friend of the white man." The simple statement of these incidents, contrasting as they do the spirit of the treatment of the Indians by the civil and military service, is its own commentary.

I am no apologist for the frauds, the crimes, the outrages that may have been perpetrated by some of the agents and officers of the Department of the Interior in times past. They are known, as are those who did the wrong, and the infamy attached to them is no pleasing inducement for others to pattern after. They must stand as a black record against them that cannot be wiped out.

I would for the good name of humanity, for a pleasing compliment to my countrymen, as a tribute to that branch of the Government containing great numbers of gallant and honest men, I would gladly declare, were it true, that the Indians were better treated while they were under the War Department. But alas! the record will not permit it. It is not true, but on the contrary the record shows that the greatest, most destructive and costly wars have been caused not by the civil agents but by the military agents of the Government, and the greatest frauds ever perpetrated against the Indians have been carried through while they were under the War Department.

I have stated that the Indians know what they wish. Nor can they be induced to state their wishes as being different from what they really desire. In the examination of this question of transfer, while nearly ninety thousand Indians opposed the transfer to the War Department, less than three thousand favored it. Do you think it wise or prudent to act upon the idea that it is indeed altogether a safe policy to totally disregard the wishes and desires of the Indians? You can hardly make a greater mistake. An Indian was president of Mexico, and his wife and daughters were for a long time distinguished residents of this capital. An Indian was once Chief of the Office of Indian Affairs. There are thousands of Indians who are now citizens and voters in this Republic, and many other thousands who are anxiously desiring to become citizens at an early day. And now, because there are a few thousand turbulent Indians, and because there have been thieving agents who have stolen their money and their goods, and because the Indian ring desires it, will you place the hundreds of thousands of peaceable Indians who have a natural hatred of the soldier, who has been made the instrument of their subjugation, under the military control exclusively, in utter and total disregard of the almost unanimous protest of these Indians? I cannot and will not believe that this Congress will add this outrage to the already extended cata-

logue of crimes against this defenseless people. In their name and in the name of outraged humanity I protest against it. Their blood is already upon our hands and upon the hands of our children. In God's name let us consider what we are doing and add no more to our nation's guilt either by careless or ignorant legislation.

I appeal to my brethren of the South. What was the significance to you of even a few companies of soldiers scattered over the Southern States? Did they make your people any better citizens, any more loyal-hearted? Then let me entreat you "as ye would that others should do unto you, do ye even so unto them."

There is plenty of work for our little Army in its legitimate sphere, and there is not a single argument in favor of placing the hundreds of thousands of peaceable Indians under the exclusive control of the War Department and the Army that does not with equal force apply to every city and community and department in the land. Mr. Chairman let us call a halt; let us consider well our work; let us not be blindly guilty of turning back the hand of morning to the hour of midnight; the light is dawning, let the day advance till the hour of high noon shall come. I am not standing here to say that there are not great numbers of Army officers who would personally deal honestly and justly with the Indians, but I am here to declare that as officers of the Army they cannot divorce themselves from their military character, which is obnoxious to the Indians, nor would they do so if they could, while they remain in the Army.

It is the spirit of the Army to dominate. It is the embodiment of force, the concentration of power, and it is no disparagement to the Army that it magnifies its office; but it is our duty to see that in no case unless absolutely required by the public safety shall the Army be set to discharge the duties of civil officers. With the Army in charge of the Indians, the presence of soldiers is a constant menace to the Indian, and a reminder of his subjugation. It will be necessary to have soldiers with or about the wild tribes for many years to come, and yet with faithful agents and assistants a very few years will suffice to make the wildest Indians self-supporting and civilized. It is better to teach an Indian till he becomes a citizen than to kill him. It is vastly cheaper to feed an Indian than it is to fight him, and a comparatively small amount of money properly expended in establishing the Indians upon suitable lands that they can be made to know shall be theirs and their children's after them will settle the Indian question forever. The great difficulty is, and I am sorry to declare it, there are too many men who do not mean to have the Indian question settled as long as they can prevent it, and if the transfer is made to the War Department the settlement will be thereby indefinitely postponed.

Humanity is weak. Even here at the seat of Government, where the high custodians of our national honor have the opportunity to select their chosen assistants from the highest, the noblest, the purest in the land, what do we see? Is any great trust given into the exclusive charge of a single subordinate? I need not enumerate or specify. If, then, here at the fountain-head, in the eyes of all the country, a divided responsibility is universally demanded, why do you for even a moment contemplate complying with the demand of the Indian ring that the present divided responsibility for the honest performance of the Indian service as it is now being conducted, where the agents, the Army officers, the inspectors, and the peace commissioners all overlook the disbursements at the agencies, shall give place to the single, absolute, undivided control of one of these branches of the public service? I warn this House that the people of this country are rapidly awaking to this question, and when the voice of the people, who have been studying it, is added to the appeals of the Indians to keep the Army away from them, it will be best to heed their united desire. Honest officials court inspection. Let the Army officers watch the agents all they can, and report every omission of duty; and let the inspection from the Indian Office be increased, and also that by the Christian commission; and let the earliest opportunity be sought to so enlighten the Indians that they themselves shall become intelligently acquainted with all their rights, and be promptly and constantly informed of all transactions in their business affairs.

If there is cause for complaint now, what may we not expect when three of the four present branches of this divided responsibility shall be withdrawn and all is left to the exclusive charge of the remaining one?

Mr. Chairman, the time has been when officials in high places combined and conspired to rob the Indians, and at the same time were received as members of respectable society. But that time is rapidly passing away—thanks to an awakening public conscience. Social ostracism, public scorn, asylums for the insane, and prison bars are the rewards presented for the betrayal of these most sacred trusts. Let us continue to so legislate that the wrongs whenever or where they occur may be seen by the public eye, and the perpetrators be promptly called to pay the penalty. Do you think this can be done while all the agencies are in charge of military officers and guarded by soldiers? Do not deceive yourselves. What was the result of the investigation of even that revolting butchery, the Chivington massacre? What think you will be the result of the investigation into the late horror of the destruction of men, women, and children while prisoners in the hands of soldiers? Ah, sir, they were Indians, and the soldiers have settled that much of the Indian question. Tortured and frozen by the soldiers, escaping from their prisons as from hell, and hoping

to find a friendly cavern in the hills in which to hide from the white man, they were overtaken and annihilated. Talk about civilizing and Christianizing the Indians with the bayonet at their throats! It is of the same spirit as the remark that there is no good Indian except a dead Indian, and that is the spirit that will carry the control of the Indian service into the War Department, if Congress shall finally determine to send it there.

I trust I shall be pardoned for reminding the men of the South of the fact that the Christian world was horrified at the butcheries of men in several States, because it was believed that the Army was in some way aiding the colored race in outvoting the white race. Officers were chosen to fill high public stations, against whom charges have been made and never refuted that they reached their positions over the dead bodies of their opponents, and the highest defense that has been attempted is, "that the end justified the means." When these Southern men saw the gleam of the bayonet, or the men even, defended as they thought against them by the bayonet, they apparently lost all Christian control of themselves, and thousands of them either themselves committed or consented to deeds at which their better and unexcited natures shudder and revolt. I am reminded to allude to this by seeing an account of the arrest of several persons in the State of Mississippi for threatening to molest some colored men. Hundreds of white men rallied, took the colored men back to their homes, arrested the bull-dozers, and guaranteed protection to the colored men. What do you think can have caused this change of public sentiment in that community? Why, the bayonet is no longer seen and its power is no longer felt. The better feelings of humanity are having their accustomed sway, and a more hopeful day is dawning on the country.

I hardly need apply the lesson of this statement to the question of the Indian transfer; to the control of the military. Its complete application is at once apparent, and I entreat that it be given that measure of consideration that this subject demands of this Congress.

Mr. Chairman, I am in favor of officials of the General Government attending to the duties pertaining to their respective positions. I share in a soldier's pride, in his love for the honor and glory of the country, in the *esprit du corps* incident to military life and training, and I fully agree with many of the officers of the Army that the transfer of the Indian service to Army control will be highly detrimental to the Army, and for that reason alone it should not be done. The duties of an Army officer are in no sense analogous to or in harmony with those of a successful agent for Indians, whose work is that of a business man—a merchant, mechanic, farmer, overseer, teacher, master, and friend; one to whom the Indians can look as a guide and pattern, and every man knows that the character of the intercourse between the officers and soldiers of their command is not such as can be considered a desirable pattern to be constantly before the eyes of the Indians.

The Army is small, not large enough to take care of the forts and posts, to properly guard our extended frontier and leave the small number necessary to watch the wild Indians, and yet it is proposed to scatter still further this small force, and to plant these scattered fragments in a fixed condition, so that in the event of war, border raids, insurrection, or riots, all of these fixed fragments of the Army will be as useless for all the purposes for which an army is maintained as though they did not exist. In time of war Indians naturally become uneasy, and it is of the highest importance that the service be so organized that it can continue unaffected. The withdrawal of soldiers, the changing of officers, will instantly unsettle the Indian mind, which at best is ready to listen to the wildest rumors.

The Sioux massacre in my State in 1862 is a case in point. The Sioux were numerous, proud, and haughty, and the Government being short of funds delayed the payment of their annuities, till bad men influenced them to believe that the Government had failed, was at war and could not pay them, and so they determined to help themselves. Had the Treasury furnished the money for that payment only one or two days earlier all the horrors and destruction and expense of that massacre would have been avoided. In these respects the Indians are like white men, and that experience caused the Government during the continuance of the rebellion to promptly attend to its stipulations with the Indians.

During all those years of fearful war, while year after year the sound of hostile guns shook this capital, foreign ministers, officers of the Government, citizens, soldiers, and all the people who came here saw the busy workmen patiently, steadily, and confidently rearing the magnificent dome of this Capitol, and the faith that this fact inspired in the hearts of the people that the Government would maintain itself no human tongue can tell.

It is claimed that to transfer the Office of Indian Affairs to the War Department will cause a reduction of expenditures. Why the item of transportation alone for our little Army of twenty-five thousand men nearly equals the entire expenditure of the Indian service for some three hundred thousand Indians, including interest upon their bonds held in trust by the Government, and all their annuities, transportation, food, and supplies of all kinds, agents, inspectors, teachers, farmers, physicians, and the whole Indian office. The little Army of twenty-five thousand men costs five times as much as the whole Indian service with three hundred thousand Indians and all the officers attached to it.

However much the wisdom of placing even the wildest tribes of

Indians exclusively under the control of Army officers may be questioned, yet in view of the difference of opinions upon the subject there ought to be no opposition to allowing the President to have authority to place any turbulent tribes under the charge of Army officers and the soldiers for such term of time as he may deem best. The experiment to that extent may lead to some beneficial and satisfactory result by competition between the military and the civil officers of the Government.

Of the persons examined by the committee thirty-four ardently opposed the transfer, twenty-four favored it, and twenty-one declined to give an opinion. The missionaries, the Christian associations and their agents oppose it, while almost entirely all who favor it are either Army or ex-Army officers. The reports show a gradual improvement in the general management of the Indian service, and the unquestioned impression left upon my mind throughout all our extended travels and research is that the conduct of the service is in the right direction, that a better day for the Indians has already dawned, in which we find more schools, a greater number of scholars, more cattle and horses, more houses, greatly increased production of corn and wheat, greater contentment, largely increased desire for citizenship, and belief in their ability to take care of themselves. All these, and other facts indicate that they are receiving better treatment; that the officers in charge of them are more faithful than they have heretofore been; and I am confident, from what I have been able to see within two years of earnest and careful study, that the Indian service under the present management is in better condition than it has ever been before in the history of this nation.

No part of our civil service among the whites is perfect, and though we might desire perfection in the Indian service we cannot expect it at once. Let us all try to so discharge our duties that, whatever may have been the errors of the past, it cannot be truthfully said of us that we saw the way and yet refused to walk in it. Let us act as the highest inspiration of enlightened consciences shall dictate to us, that we can faithfully and confidently answer to the benevolent Christian men and women of our land, whose hearts are stirred in the interest of the Indians as they have never been moved before; so that we can feel that we have done right toward these wards of the Government; so that we can stand unrebuked in the sight of high Heaven and before all mankind as the faithful ministers between God and his less favored children, our brothers.

But years must elapse and benevolent, sympathizing hearts grow weary before entire success shall come, as it will most surely come in time; and then justice will be done to the Indian. The remnants of these tribes will become blended with those surrounding them, and their descendants will swell the great ocean of humanity.

Life Saving—Its Agents and Service.

SPEECH OF HON. SAMUEL S. COX,

OF NEW YORK.

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 10, 1879.

On the bill (H. R. No. 6240) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

Mr. COX, of New York. Mr. Chairman, it is a pleasure to applaud the assiduity and care bestowed upon this bill by the courteous gentleman from Tennessee, [Mr. ATKINS.] He has, amid unjust criticism, pursued the only course inspired by an economic and democratic policy. He invites the fullest scrutiny as to the details of the bill; and if in any part there should be found notes of discord, either in the bill itself or from the members of this House, it is only illustrative of the truth in musical science, that oftentimes a discreet discord conduceth to a comely concordance.

I shall not discuss the general features of the bill. Doubtless they indicate an advance in the line of economy. I shall attempt only to refer to the life-saving paragraphs, and illustrate the humane working of the act of last session. Thus I hope to vindicate the unanimity which last session added such a tribute to so laudable a system.

On the thirtieth page the bill repeals the second and third sections of the "life-saving service" act of last session. As that bill was introduced by myself, and was the result of careful study, I feel that some remarks are due explanatory of the sections to be repealed. The committee are strict upon a rule whose observation I commend, even though it does repeal these sections.

What are these sections? The second section provides that the unexpended balances of appropriations heretofore made for the establishment of life-saving and life-boat stations should be made available for the new stations authorized by that bill. The third section simply provides that all moneys received from the sale of old stations and equipments or other material condemned by a board of survey as unserviceable may be used for building, improving, or equipping stations.

I regret that the act of last session should have seemed a violation of a valuable custom, which requires the covering into the Treasury of unexpended balances; but I am not sure that the third section is not the wisest and most economical way of disposing of useless stations and equipments. The proposed repeal, however, is of little consequence except to get rid of a bad precedent.

The object of section 2 in the bill when submitted, was to obtain an appropriation immediately upon its passage. It was hoped that would be done early in the session. Its object was the construction of new stations upon the coast of Virginia and North Carolina. We desired that it might be carried to completion before the setting in of bad weather. We did not desire to wait for the commencement of the fiscal year for whatever appropriation might be made in the annual appropriation bills. The bill, however, did not pass until the 18th of June, 1878; so that after all it made very little difference. There is no particular objection to the repeal of the section except that its repeal would require a larger express appropriation than would otherwise have to be made.

With reference to the second section, the following extract from the report of the Committee on Commerce on the bill shows its object:

The third section provides for the use of all moneys received from the sale of old stations and equipments and other material in improving and equipping stations. This provision will enable old material frequently to be turned in advantageously toward the payment for new, without incurring, as is now necessary, the expenses of a sale under sometimes disadvantageous circumstances, and in the case of sales will leave a small fund always available for keeping the establishment in order.

It sometimes happens that a great hurricane, like that of last October, may cause an unusual damage. To repair this damage would exceed the appropriations made for such purpose. These are based upon the estimate of the Department. The Department could not anticipate such an occurrence. In that case this small fund would be available. If this were wrong more repealing work is needed from this vigilant committee. A similar provision of law exists in relation to several other branches of the public service. I refer to those named in section 3692 of the Revised Statutes. They refer to the sale of marine hospitals and revenue-cutters, condemned clothing, and to materials, stores, and supplies for exploring and surveying expeditions. The repeal of this section of the life-saving bill, however, would probably not materially affect the service, inasmuch as the annual sale of old property at the stations amounts to but little, not more than five or seven hundred dollars annually at the outside. Since the commencement of the present fiscal year, such sales amount to but \$120.55. It is a small amount, but it involves a practice, and I am disposed to be strict in any practice which even if it be inconvenient in some cases, is useful in others.

COMPENSATION OF GENERAL SUPERINTENDENT LIFE-SAVING SERVICE.

At the last session of the Forty-fifth Congress, after thorough examination by the Committee on Commerce and a report by that committee, both Houses without dissent passed a bill to organize the life-saving service. In reference to this matter the House committee in their report gave reasons for the salary fixed, which I quote:

This is one of the features of the proposed statutory organization of the service, it having now no other organization than that of regulations, liable to alterations and changes according to the varying notions of those into whose hands the service might fall, some of which might involve injurious consequences. It will be recognized that the seriousness of the interests committed to the charge of the service demands such provision of law as shall always secure a proper administrative officer; and in view of the anxious labors and grave, and, indeed, fearful responsibilities which devolve upon him, and which, if he be a proper person for the position, must weigh upon him with a burden far greater than any mere fiscal responsibility could impose, it is felt by your committee that his compensation, as specified in the bill, is fully as small as could be assigned with any appropriateness to the position. The provision for an assistant is also justified out of the same general considerations, a glance at the varied and important duties enumerated in section 7 of the bill showing the necessity of securing suitable aid in their performance, and the need of an able and conscientious executive lieutenant, both for this purpose and to act in the occasional absences upon the coast or elsewhere of the chief officer upon official duty, being also apparent.

This fixed the salary of the General Superintendent at \$4,000 per annum and his assistant at \$2,500. Subsequently the two Houses unanimously appropriated that sum. Is it not too soon for the same Congress to entertain the proposition to reduce this salary one-quarter? This House should be aware of the circumstances under which this salary was fixed. Do they not know the nature, extent, and value of the life-saving establishment, and the signal abilities, labors, and responsibilities of its chief officer? Do they not know that he has made a system out of chaos?

GROWTH OF THE SERVICE.

From the date of our first settlements our beaches have echoed the despairing voices of the drowning. Everywhere along them the surf dashes over half-imbedded hulls; the skeletons of vessels protrude from the sands; the unnumbered corpses of sailors, emigrants, and passengers have been washed up with the tangle and the shells upon the coast. The bare-brown shore is one long aceldama. A succession of shipwrecks forms its main history. From Cape Cod to Hatteras and beyond, for most of the years of our nation those low dull sand-hills have furnished unmarked graves. For all those years the coast was a scene of ravage, whose sinister legend is in every memory. What, during all that time, had we done to mitigate this condition? Here and there, at long intervals, were a few forlorn hovels of a humane society. They were furnished with inadequate appliances of rescue. They were unguarded, pillaged, and ineffectual.

Their apparatus and implements were mildewed, decayed, and broken. They were seldom replenished. I have seen some of these worn-out shanties and their condition. An occasional improvised effort, desperate and splendid, on the part of the brave and humane coast people has silvered this gloom. Now and then a ship's company or a part of it were plucked from the sea. Finally, after years of catastrophe and unorganized and desultory endeavor, there was legally established, only upon the Long Island and New Jersey beaches, a few boat-houses called stations. These stations were without crews, without scientifically devised boats and apparatus; they were without connection or concert; they were crude and inadequate to mitigate marine casualties. Upon the other beaches of the country those horrors multiplied without even this partial mitigation.

I cannot explain how I became so interested in this service; perhaps it was because it had a dash of romance or humanity and was so unlike the ordinary work of Government. I did what I could to secure legislative action in its aid. In speaking thus I neither arrogate nor derogate. Other members of Congress had preceded me in this effort. But may I not be permitted to remark, to excuse my frequent appearance here as one of the champions of this service, that in 1870, when an amendment to the appropriation bill, offered by Hon. Charles Haight, of New Jersey, to secure the employment of regular crews at the stations, had failed, I effected the passage of a compromise, which authorized the employment of crews at alternate stations. This measure, the report of the Life-Saving Service for 1877 considers to have been of signal consequence and cardinal value to the establishment. It paved the way to the subsequent authorization of crews for all the stations. It thus enabled the coast to be patrolled. It gave harmony of action between the crews. It gave drill and discipline. It made the most difficult rescues methodical and possible.

The results of this measure were so marvelous that they led to other measures, chiefly the extension of the establishment to the coasts of New England and the South.

All this legislation, however, was only so much opportunity; yet it was used with wisdom and energy. Many impediments occurred, among them the tardy and narrow means afforded by Congress. With an inefficient officer at the head of the establishment, such as it was, what would all this legislation be worth?

But, sir, in 1871 the man whose pay it is proposed to reduce grasped and mastered this humane business; even in its depressed condition. He did what no one else thought worth doing. He organized what we had. The officers who had preceded him for twenty years previously, might have done the same thing. This man, first of any, seized the unused opportunities. With skill, with patience, with perseverance, with energy that never faltered, with foresight that saw the end in the beginning, and judgment that discerned in small and scattered sources the amplest possibilities, he made the service what it is to-day. Hampered by legislative restrictions and slender appropriations, he has contrived to set barriers against the measureless destruction of the sea. With the aid of our funds and his subordinates—and with partisan preferences always in the way—he has lined our exposed beaches on seaboard and lake with improved stations. He has filled them with selected crews, the flower of the hardy beachmen; he has stocked them with the best boats, wreck-ordnance, and life-saving appliances of every kind that modern skill has been able to devise; he has trained his heroic gangs with constant discipline, until, from simple fishermen, they have become soldiers of surf and storm and the cheap defense of imperiled seafarers. He has by skill and patience, far outdone my most sanguine expectations of 1870; for has he not brought into existence that system of patrol which puts the American life-saving establishment in advance of any in the world; that system by which, all night, from sunset until dawn, through all the months of tempest, no matter what the weather, those patrolmen and crews are watching along the coast from Maine to Florida? They form a cordon of marching sentinels to spy endangered vessels. They are ready always to summon relief and rescue. This system Superintendent Kimball has brought into unity out of incoherence, and where there was death he has made life.

His reports are before Congress. On the coasts of Long Island and New Jersey alone, according to the unchallenged assertion in public debate of members of this House, the former loss by shipwreck was more than a thousand lives annually. Since 1871, when this Superintendent took charge, on the coast of New Jersey, only eighteen lives were lost; and not one of these through any fault or failure of the crews. In those eight years upon that portion of our coast over five thousand lives have been rescued. Within the same time a vast amount of marine property has been rescued. Others may have accomplished such amazing and humane results, but this officer has the honor of being the chief of the service by which it has been done. I do not say that but for him these thousands would have perished, for others in an age of growing humanity might have done as well; but we do owe to the organizing genius of Mr. Kimball the consummate success of the service.

When the motion was made at the last session to transfer this service to the Navy, the whole seaboard rained protests upon Congress. Every board of trade, every chamber of commerce, all the underwriters, the marine-insurance men, the coast population everywhere, showered us with petitions against the proposition. This was equivalent to a popular indorsement of Mr. Kimball's administration. The

bill to reorganize the bureau passed. That vote recognized the fact that he had faithfully executed his trust. His name was sent in to the Senate as the chief officer under that bill, and he was instantly and unanimously confirmed. That confirmation was the approving signet set upon his record. Is it not too soon to reduce his salary? Would it not be a reproach, a bar sinister, to his well-earned fame?

It is hard, Mr. Chairman, to deal with mercenary matters like salaries in connection with so elevated and pure a service. Let me deal with a supposititious case. Some one, to show the value of newspapers and books, asked that we should fancy the world without them for a day. What a blank! Now let me fancy a case. Suppose that our coasts were subjected at unexpected times to the descents of a pirate. While over the land all is quiet and contented and the daily work goes on inland, in valley and hill, in town and country, suddenly the shadow of a black flag falls upon some lonely beach. Every ship that happens to be there becomes a prey. Our cruisers contend against him in vain; some succumb. None can tell whence he comes or whither he goes; but when he comes he comes charged with pitiless destruction, and when he goes he leaves behind only vestiges of his wrath. He scuttles the ships; he plunders the cargoes. The best crews that ever trod the deck vainly contend. He spares none. Is it the hardy seaman, the beautiful woman, the rich passenger, the divine mother, the little child? All are his victims. For years he runs his career of rapine. The coast trembles at his name. He haunts only the loneliest beaches where none can provide against his sudden coming. At times when he descends the scattered dwellers on the shore hurriedly muster. With brave but ill-directed effort they attempt to save the helpless crew from his clutch. On rare occasions they succeed, or partially succeed, but oftener they fail. Ah! sir, this is but the picture of the ruthless storm and pitiless wave. Upon it is the black ensign, with its skeleton and cross-bones. In gazing at it the figure of the pirate vanishes into nothing. Not all the pirates of the world can equal the terrible strength of that capricious marauder which devours our commerce and lives upon the sea.

Year after year its work of remediless devastation has gone on. At length the shore is organized. A chain of fortresses is erected along the coast; they are manned with hardy beachmen drilled into armed athletes. Watch and ward are kept along the stretch of sand, and at every incursion there is now a determined and gallant grapple, ending in the deliverance from peril. Where the victims were once thousands they are now tens. The fame of this deliverance is on every lip, the achievement becomes part of the glory of the country.

The facts which I shall show make it evident that more and more, like Carnot, the Superintendent has organized victory under our new bill. Is it fair in the flush of his success for Congress to cut down his pay without default on his part? If only to continue his work, which is to make the coast safe to the seafarer, I am not willing that it should be considered that Congress is unwilling to allow a chief in such a service ample compensation. Certainly it would seem harsh at once, before he fairly enters upon the new year, to repeal the compensation allowed.

It so happens that I have been in a position to know what his labors, his thought, and anxieties are in building up, against many discouragements and obstacles, this noble service. His assistant and himself scarcely leave their offices till after midnight. The Sabbath gives them no respite. When a tempest is on the coast they are at the terminus of a telegraph directing with sleepless care the operations for saving. Who realizes the burden of this responsibility? He supervises fifteen hundred men; they are dispersed all along our stretch of coast. For the fault or failure of any one of these he is held accountable. One great disaster, involving heavy loss of life, through the delinquency of one of his crews, is followed by merciless criticism. A fatal result, arising from some lapse of memory, some forgetfulness by others, fixes on him reproaches. Have we considered what it is to carry such a load? Never, from fall to spring, does he feel relief. When the wind rises or the storm gathers, and others are in comfort and sleep, he knows no quiet. The picture of the beaches or the fear of what may happen fill his dreams. Such is the life of this trustworthy officer, upon whom rests the conduct of the Life-Saving Service. Do gentlemen imagine that his post is that of an easy clerk of a routine bureau? Far from it; he must be active, thoughtful, laborious and care-burdened, ~~on~~ faithful. The stations front the surf along a thousand miles of coast; the patrols file ceaselessly on all our beaches; the ordnance sounds at every wreck; the crews fly in their light boats over the deathful breakers at every scene of disaster. Of all this heroic action he is the animating soul. Why should the good officer who has changed the dark record into the bright record, and to whose vigilance we owe the lives of five thousand citizens saved within eight years, be the last victim of the economic knife? Why is it done in a bill like this, which raises the salaries of others who have not equal responsibilities?

ASSISTANT GENERAL SUPERINTENDENT.

The reduction of the pay of this officer would be unjust. All that has been said in relation to the inequity of reducing the pay of the General Superintendent applies to his case. In the event of the frequent and necessary absences upon the coast of the principal, he becomes acting General Superintendent. The whole care of the conduct of the establishment, with all its burdens, duties, anxieties, and re-

sponsibilities, devolves upon him. He is therefore supposed to be a person capable of carrying on the establishment. When the General Superintendent is present, he is in everything required to be capable of being his assistant. His counsel and co-operation are demanded in the discharge of all the duties of the service, and at all times he shares its labors. It may be said of the Life-Saving Service that it is provident of all lives but those of its two chief officers. These it exposes of necessity to constant care and labor, protracted, as I have said, much of the time through each day far into the night. In no service under our Government is health so periled as in the case of these two men. To lower the compensation of either of them is a grave injustice.

OTHER SALARIES COMPARED.

Moreover, by the standard of compensation fixed by the bill for other deputies in branches of the public service involving no more responsibility, nor one so serious in kind or degree, and far less arduous labor, the salary of the assistant general superintendent should rather be raised than lowered. It is proposed to cut his pay down to \$2,000 per annum. Yet in the division of warrants, estimates, and appropriations, one chief of division is allotted \$2,750. The deputies of each of the Comptrollers are assigned \$2,500. The deputy comptroller of the currency is given \$2,800. In the Treasurer's office, the assistant treasurer is given \$3,600; the cashier, \$3,600; the assistant cashier, \$3,200; one chief clerk, \$2,500; five chiefs of division, \$2,500 each; one principal book-keeper, \$2,500; and two tellers, each \$2,500. In the redemption bureau, two tellers are awarded each \$2,500; and \$2,500 is also given to one book-keeper. Manifestly, in not one of these cases is the rate of salary fixed too high, but not one of these officers is charged with the grave duties incident to assisting in carrying on the affairs of this establishment. They are greater in their work and efficacy than the life-saving services of France and England. I hope that we will not reduce the pay of an officer upon whom is laid this wearing duty and accountability to \$2,000. In view of the plain facts of the case, it might rather be claimed that his reward, instead of being less, should be more.

THE SERVICE LAST YEAR.

The facts have justified the action of the last Congress in reinvigorating the Life-Saving Service. The report of the Superintendent for the last fiscal year up to the first of July has not yet been printed. I have seen an abstract of it in the New York Herald. The account it gives of the service during the last fiscal year is interesting, inasmuch as last year was a sad one on our coasts. The Huron and Metropolis were lost in that year. There were one hundred and eighty-three persons lost on the Huron and eighty-five on the Metropolis. The first wreck occurred before the stations were opened; and the latter between two stations, but so remote from each that succor was impossible. Indeed, these disasters have in the main aroused an intense interest in life-saving. This did much to pass the bill of last Congress. But I have already discussed these disasters.

Let me say here that when the Committee on Commerce pursue to its conclusion the investigation ordered into the Metropolis disaster, on a resolution which I offered, the country will be astounded at the condition of our marine. Doubtless the Metropolis was unseaworthy. The rotten debris of the wreck was pulverized by the waves. We have a right in the name of humanity, to have a full report, let the blame for this great loss fall where it may. We want a thorough reform in the restrictions and penalties on reckless marine adventure, so that overlaid, badly manned, and unseaworthy vessels shall not put to sea, and put in peril the lives of our hardy sailors and the crews and passengers of our vessels.

But in spite of these two disasters last year great good was done by rescues. There were within the limits of the service one hundred and seventy-one disasters to vessels from June 30, 1877, to June 30, 1878; there were fifteen hundred and fifty-seven persons on board. The value of the vessels was \$1,879,063 and their cargoes \$745,672. The number of lives saved was one thousand three hundred and thirty-one, and, including the two vessels named, the number lost two hundred and twenty-six. As to the number of shipwrecked, sheltered, and succored, the total value of property saved and lost, and other particulars, the report speaks clearly. It is well to say that the number of lives lost within the scope of the service and unpreventable was but twenty-nine.

The report shows the progress in establishing the new stations. It speaks of the new mortar I referred to last session, which, weighing less by one hundred pounds than the old gun, throws a line two hundred and seventy-four yards further, or six hundred and ninety-five yards as a maximum. The telephone is established on the North Carolina coast, and other appliances are in requisition to make this service as formidable a foe to wrecks as is possible.

It will be seen by this report and by other evidence, that there has been a general increase in the interest of life saving, both in and outside of governmental agencies. Since 1875 the increase of life saving has been at the rate of 50 per cent. per annum, so that during the last few years the advance has been beyond that of any other form of benevolence.

This is a matter worthy of some evidence. It is found in a table in the Superintendent's report. It is an exhibit which shows the number of persons on board vessels suffering casualties, the number of

lives lost, the ratio of those lost to the number on board, and the ratio of lives lost to the number of casualties for the last four fiscal years:

Fiscal year ending June 30, 1875.	Number of casualties.	Number of persons on board.	Number of lives lost.	Ratio of lives lost to number on board.	Ratio of lives lost to number of casualties.
1874-'75.....	1,610	30,216	*894	As 1 to 22.6	As 1 to 1.8
1875-'76.....	2,173	21,602	*885	As 1 to 26.6	As 1 to 2.4
1876-'77.....	2,062	28,139	*817	As 1 to 34.4	As 1 to 2.5
1877-'78.....	1,942	25,133	*598	As 1 to 42	As 1 to 3.2

* This number is exclusive of lives lost where vessels suffered no damage.

It also shows a lessening in the number of disasters during the last two years.

Thus it will be seen—

Says the report, that—

the decrease in the number of disasters between 1875-'76 and 1876-'77 is 5.10 per cent., and between 1876-'77 and 1877-'78 is 5.82 per cent., making a decrease in the two years of nearly 11 per cent. The decrease in the number of lives lost in proportion to the number of persons on board vessels subjected to casualty since 1874-'75 is nearly 50 per cent. within the three years; there is also a similar decrease in the proportion of lives lost to the number of casualties.

This remarkable decrease in the mortality attending shipwreck is undoubtedly referable to the unprecedented agitation of the public mind within the last few years with respect to marine disasters, which has resulted in protective legislation, involving an increase in the number of life-saving stations, light-houses, beacons, and buoys, and the institution of improved steamboat inspections and regulations for navigation, and has also resulted in valuable inventions for the management of vessels, as well as for the saving of life in case of accident, besides leading ship-owners to exercise greater discrimination in the selection of their officers and equipments and care for the condition of their ships.

Doubtless much of this is owing to the improvements in apparatus and the progress in mechanical and other sciences; but for the honor of human nature it may be said that a large share of this wonderful increase is owing to the wider and more generous impulses of mankind, of which this House in its last legislation furnished an exponent.

SUCCESSFUL OPERATIONS UNDER THE NEW LAW.

The bill which we passed was intended to provide life-saving crews in places where they did not before exist and where wrecks so frequently occurred. Until the winter and spring, however, shall have ended, we will not know the full result of the improved condition of the service. We have information, nevertheless, as to the services of the crews from the first of July, 1878, to the last of November, 1878. On the coast of Maine, in the first district, fourteen cases are recorded up to the 23d of November; on the Massachusetts coast in the second district nine cases; in the third district, along the Sound, there were eleven cases; in the fourth district, on the Jersey coast, there are twenty instances. Among the latter were the wrecks in the extraordinary gale and terrible sea which occurred on the 22d and 23d of October; six wrecks occurred on this coast upon the latter day. At station 36 the ravages of the sea were wild and terrific; a heavy gale in the morning wrenched the station-house from its foundations, burst in the windows, and flooded the interior. The crew were compelled to row out of the building in their surf-boat and take refuge in the light-house, half a mile distant. When they returned to the station they discovered a Connecticut schooner, H. T. Potter, stranded one mile south of Hereford Shoals. In spite of the sea, the surf-boat was launched, but many attempts were made before they could reach the vessel which lay eight hundred yards from the beach. Four out of six of the crew were saved, two having been washed from the rigging and drowned when the vessel first struck. Many casualties in this gale came from the floating wreckage and timber, which no prudence could prevent.

In the sixth district, on the Virginia and North Carolina coast, there has been comparative freedom from marine disaster this year. It would seem as if the terrors and disasters last year, when the Huron and Metropolis were stranded, had been sufficient for a generation. In the seventh district, on the eastern coast of Florida, two vessels, or at least their crews, were succored.

But the brave performance of the crews has been most signal, since July, on the lakes, as members who represent that portion of the country can testify.

The rescues in the eighth district, on Lake Erie, exhibited in every case, marvelous heroism. Some of them I think should be mentioned in detail for the vindication of the service. Six men and one woman from the schooner E. P. Dorr, of Oswego, were rescued at station No. 4, Charlotte, Lake Ontario. The schooner was stranded twelve hundred yards from the beach, a mile from the station. At half-past nine o'clock in the evening a tremendous sea was rolling from the north-east. The surf-boat was dragged a mile by hand to the scene of the wreck. It was launched, and reached the vessel at eleven o'clock. Her position was bad; for the heavy sea was roaring around her sides and tumbling about her stern. After many perils a landing was effected, and all were saved and cared for.

On the 25th of October, some fifteen rescues were made in this district amid rain and storm, darkness and changing winds. The beacon-light was kept burning even when the vessel could not be reached.

The lantern squad moved up and down the beach to rescue those who might be washed ashore. At midnight the hazardous effort was made to reach the vessel. The darkness was so penetrating that she could not be seen; but at last she was discovered. Her crew of seven were seen in the cross-trees of the foremast, where they had been four hours. All were safely landed just as the vessel went to pieces.

On the 8th of November, on Lake Ontario, near Oswego, the Canadian schooner *Speedwell* was wrecked in a strong north wind and a heavy sea and storm. A line was fixed between the shore and the vessel and seven men were saved. The Merriman life-suit here came into requisition, and a brave surferman clad in it, worked himself out to the vessel, to teach the crew how to arrange the hawser and send the men ashore.

In the ninth district, on the Ohio lake shore, five rescues were made. In the tenth district, upon Lake Michigan, a score of rescues are recorded, one of which specially is to be commended. It was in the succor of a ship and crew from Toledo. She stranded at Grand Point au Sable. She was soon lying on her beam ends with a signal of distress flying. The next morning the vessel with a crew of eight men and some laborers who had been placed on board to work her were in imminent peril. The life-saving crew tried their mortar and lines, firing seven shots, but failed to reach her. They tried twice to reach her in the surf, but failed. After many vicissitudes the crew at last reached the wreck, ran the lines from the ship to the shore, and were ready to bring off those in danger, when a tug-boat contrived to run alongside and assist.

These rescues are the theme of general commendation in the lake region. Men speak of them with a pride even greater than that of patriotism. It is the pride in our courageous humanity. The efficiency by which they were enabled to do so much is the result of constant vigilance. That vigilance the bill passed last session enables them to give, to an extent perhaps not yet commensurate to the kindly and noble object, but which is such a gratifying improvement and marked advancement on the former service as to vindicate it with all good and humane men.

A COMPARISON ON THE JERSEY COAST.

In conclusion let me make a reminiscence. I select the New Jersey coast. It was the scene upon which I first secured the small appropriation for the patrol in 1870. Perhaps there are no surfmen anywhere equal to those on that coast. Nowhere is there more pride taken in the service. Long since have they wiped out the reproach connected with the wreckers of the early day. Nowhere along our coast are the fishermen more intimate with the nature and action of the surf in tempests. Nowhere are our surfmen more prolific in devising expedients to encounter the fury of the storm. What does the remarkable record of this coast disclose since 1870? Since that time there have occurred one hundred and eighty disasters. They involved the risk of the lives of those on board to the number of nineteen hundred and nine persons. Of these only eighteen, thank God, were lost—less than 1 per cent, of those imperiled and a fraction over two lives per annum. I could show you, Mr. Chairman, how these eighteen persons perished. The record exists in the annals of the service; the minutest particulars can be given; the most thorough investigation has been made into the circumstances of every disaster attended with loss of life. I can say it truly and proudly that not one of these lives were lost which it was possible to save by human effort.

In the old days one disaster alone upon that perilous coast involved as many as the whole number lost in these one hundred and eighty instances. Surely it will be vindication enough of this service, that upon the most dangerous part of our seaboard, where there are more ships wrecked than in any other two districts upon our shores, such beneficent results have been obtained. It will be simply a cruel retrogression to discourage or strike down the agents of this humanity. Especially cruel and premature would it be to those who are just beginning to organize their increased work, under the new law, in the marine bordering States. Do not, I beg you, paralyze these energies in process of organizing to prevent these fatalities that will occur so long as waves roll and winds blow or men adventure in fragile ships on such an unstable element. Why should we withdraw that stimulus to earnest effort and grand results by withdrawing that salary and that reward for the brave endeavors and well-directed zeal which the recent law inspired? Why chill and check this service so soon after its enlargement by law? Rather let its re-enforcement be our study. Let us arm it with stronger powers and resources, that the conflict may go on more vigorously against the embattled hosts upon our shore.

In all the relations which our Government bears to the general welfare there can be found no parallel, sir, to the resplendent career which has been inaugurated by this law for the consummation of its divine benefactions.

If there were no other cause of gratulation and pride for being a member of the Forty-Fifth Congress; if there are any reminiscences painful and unpleasant connected with its history; if there is no other legislation radiant with moral sensibility, to draw laudatory attention to this Congress, the generous impulse and enlightened judgment which gave us the legislation of last session on this humane object vindicate its members as individually kind-hearted and inexorably just to the great service of making human life more sacred and its safety more assured.

Civilization of the Indians.

SPEECH OF HON. ORANGE JACOBS, OF WASHINGTON TERRITORY,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 8, 1879,

On the bill (H. R. No. 6145) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes.

Mr. JACOBS. Mr. Chairman, we have made great mistakes in our policy of Indian civilization; in fact, until quite a recent date the whole system has been radically wrong, and it is only partially philosophic and sound now. Too much attention has been given to the religious instruction of the Indian, while it is his material, not his moral condition that needs to be changed. The primary object is to induce him to adopt the modes of civilized life and the means of civilized subsistence, not to teach him religious dogmas or moral philosophy. Naturally superstitious, it is an easy matter to daze his mind with crude religious notions, but they mollify not the cruelty and treachery of his nature, nor predispose him to the adoption of the habits of civilized life. He now subsists on the uncertain products of forest and stream, ocean and lake. The encroachment of the white man has made that uncertain mode of subsistence still more uncertain.

Further, these constantly aggressive encroachments have intensified the frictions of the two systems of subsistence and made the conflicts more numerous. The Indian sees and feels the growing uncertainty of the situation as plainly as we do, yet he dreads to forsake the paths and modes of his fathers. He sullenly feels that the whole current of his existence is to be changed, and that modes that he and his fathers condemned are to be forced upon him by what he considers the injustice of the white man. He naturally resists this condition of things, clings to the old ways in his desperation, and fights against the threatened innovation. He is not opposed to work, but he is not accustomed to systematic and continuous labor. When he does work he throws into his efforts all the energies of his being and he expects to enjoy the fruits of his labor immediately on the completion of the work. When the chase ends he expects to gather in the slaughtered game. He sends an arrow or bullet on its fatal mission, and he immediately expects food. Such is the simple philosophy of his life. He does not sow, because the time between sowing and reaping is too great. He does not comprehend the doing of an act now the benefits of which he is not to enjoy until a distant future. It loses to him in the mean time the relation of cause and effect. Such acts, in fact, belong to means and forces of a high civilization and only exist in their grander significance in the very highest civilization. This obstacle to his advancement is a fundamental one, but it is not peculiar to him. It is an obstacle which has had to be overcome by every race that has advanced from barbarism to civilization.

What, then, is the true mode of Indian civilization? History furnishes the answer. While it must always be gradual, the successful mode will always line as near as possible in the line of the Indian's present as well as past life-currents. There must be an approach to the civilized modes, but it must not be too sudden. There is ever too much haste to reach ultimates, too much of a desire for miraculous results. The change of a race from barbarism to civilization is not to be accomplished in a day. It is the work of generations. All attempts to force this change but ends in the annihilation of the tribes to whom the force is applied.

In accordance with the principle above stated, if the tribe or Indian sought to be civilized has hands of ponies and subsists principally by hunting, substitute cattle for his ponies. He will still be a hunter, but the constantly increasing scarcity of game and his necessary dependence on his cattle for subsistence, as well as their care and protection, will have a tendency to locate him. Not only will it locate him, but it will strengthen in him the idea of property in severalty. Having located him, half of the work is done. He will soon commence the cultivation of those things whose fruitage is not long delayed, and afterward perform acts whose beneficent results are not to be enjoyed till a distant future.

I have said that the only successful mode of civilization was as near as may be in the line of the Indian's past life. In this way, and in this way only, can you utilize the forces of his nature. He is not a flexible or plastic being; there is a great deal of immobility about him. He does not yield readily to the forces or influences of civilization. As an illustration of the principles stated above take the Makah Indians of my Territory; their reservation is near the entrance to the strait of Fuca. These Indians never owned a domestic animal of any kind unless it may be a dog, neither are they hunters in the just sense of that term. They and their ancestors for a thousand years have been the builders and navigators of canoes, many of them from five to eight tons' burden. These Indians subsist on fish and sea-fowls, and they take every year large numbers of fur-seals and sea-otter.

They also manufacture large quantities of fish-oil. In their canoes they frequently go forty or fifty miles out upon the ocean in quest of the seal and otter. They are natural sailors, but they are sometimes

overtaken by terrific storms, and notwithstanding their skill many of them perish. Now you can never make farmers or stock-raisers of these Indians. All attempts to do so will be failures. All the money heretofore appropriated and spent in that direction has been worse than wasted. If you wish to civilize them, build them a vessel from forty to sixty tons measurement, and they will man it, take care of it, and replace it when gone. It will be a safe convoy for their fleet of canoes in their fishing and fur-gathering expeditions. They are brave, daring, and heroic. Make them by your generous assistance patriotic and self-sustaining, and you will do more for their advancement in the direction of a higher life than you have ever before done by your lavish expenditure of money to aid them in a knowledge of agriculture. Stop your appropriations for everything but for the support of a school among them.

As melancholy as the fact may be, as much as we may desire to secure a different result, twenty-seven years' residence upon the Pacific coast and an attentive study of the Indian and his future in connection with his contact with the white man has convinced me that there are many tribes of Indians west of the Rocky Mountains not susceptible of civilization. Annihilation is their certain and inevitable doom. Many once powerful tribes have entirely disappeared since I have been a resident of the Pacific coast. The vices and diseases communicated to them by the baser order of white men has swept them away like a consuming fire. We may regret this extinction, but we cannot prevent it. But there are tribes whose men and women are of sufficient physical and intellectual vigor to pass through the change, provided it is not hastened too much. Even these tribes do not increase in numbers; they about hold their own. Many of the weaker will perish in the change, but we ought to save the remnant if possible.

There is a fact not generally recognized in our legislation for the Indian, and which in every system of civilization ought always to be recognized, and that is the fact of a community of interest in tribes or subdivisions of tribes in all subsistence stores. We ought in all our dealings with them to create, foster, and develop severalty in the ownership of such property.

Again, whenever any Indian or Indians desire to dissolve their tribal relations and to take lands under the land laws of the United States, or whenever they purchase lands from any person, and go upon such lands either taken or purchased, the dominion of the agent over them should cease, and they should have the same protection as other settlers and purchasers. The very existence of the above facts shows that the influences of civilization have been felt and yielded to by them. It is but justice to grant the privilege; not only justice, but a kindly recognition of their manhood and their heroic struggles for a higher life.

Secondly. As to the policy of turning the Indian over to the War Department. I have heretofore in this presence attempted to show that there were two classes of Indians; first, those who have tried their power with the whites and have been conquered, and have submitted in good faith to the demands of the superior power, yielded up their lands, and have gone upon reservations allotted to them, and have made what progress was possible under the policy of the Government and the knowledge or want of knowledge of the agents assigned to them. In quite a number of cases the progress has been very considerable. In every case where the agent was fitted for the work and had a love for it the progress has been very encouraging. The most marked case in my Territory is that of the Yakama Indians, under the control and management of Father Wilbur. No fitter person could have been selected for the work. He has long resided on the Pacific coast; speaks the language of the Indians; is and was familiar with the philosophy of Indian thought and mode of life long before he was appointed agent; is a Methodist—a strong-willed, practical, and muscular Christian.

These Indians carry on successfully the following useful trades: blacksmithing, carpenter-work, plow and wagon work, harness-making, saddle-work, boot and shoe making, painting, and milling. They have a steam saw-mill, purchased with their own means, costing \$15,000. There are connected with it a planing-machine, shingle-machine, and a turning-lathe. They also have a flouring-mill. These mills are run and the above-named useful trades are carried on wholly by Indians. They have fifteen thousand acres of land under fence and five thousand in cultivation. They have sixteen thousand head of horses and thirty-five hundred head of cattle. Very many of them are living in good houses, painted outside and in, with furniture, chairs, tables, bedsteads, cook-stoves, mirrors, clocks, watches, crockery, the newspaper, and the Bible. They have two schools and two churches, built by themselves, and whose pulpits are filled every Sunday with native preachers. All of this has been accomplished since A. D. 1857.

What is true of this agency is true in a less degree of other agencies in the Territory. Now, I do not say that all of this good work would be stopped by turning these Indians over to the military; but I fear its further progress would be very much impeded by the change. The Indians have confidence in Father Wilbur, trust him implicitly, and obey his directions without a murmur. Confidence is a plant of slow growth in a white man—it is of still slower growth in an Indian. On this very agency the experiment of a change has been tried, but with bad results. Father Wilbur was removed and a Captain Smith was appointed his successor in A. D. 1869. The

Indians immediately left the reservation, drove away their stock, and hung threatening, like a war-cloud, on the surrounding mountains. They never returned to the reservation until Wilbur was restored. They might not do it now; but the experiment would be a dangerous one.

The ultimate object of our Indian system is the civilization of the Indian to that extent at least as to make him self-supporting. It becomes an important inquiry, then, in considering the propriety of the proposed change, to know how much of the evil complained of is the result of defects in the system itself and how much of it is merely administrative, for no change in the system is proposed, but simply a change in its administration.

There are eight agencies and between eighteen and nineteen thousand Indians in Washington Territory—all reservation Indians but about three thousand. With one exception there has not for years been any complaint made against the honesty, integrity, or faithfulness of these agents to their trusts. There has been no disturbance, actual or threatened, among the reservation Indians. Peace and safety have been secured. Whatever beneficial results there may be in a faithful administration of the system has been obtained. That there are defects in the system, I have shown, but these defects are to be continued under the proposed change.

But it is said that Indian wars were the direct result of the usual administration of those civil agents. This may be true in rare cases, but I doubt it; we must look deeper for the causes of these wars. Indian wars are caused, first, by the increasing scarcity of fish and game and other articles of Indian subsistence, caused by the encroachments of the civilized race and the depredations of the Indians to prevent starvation. This increasing friction is the prolific cause of recent difficulties. It is starvation and its attendant desperation, not the peccadilloes of agents.

Secondly. A farther cause of Indian wars is the misunderstanding of the Indian as to the fact who is bound by treaty stipulations. Here is a subdivision of a tribe under a sub-chief who never signed a treaty. They deny its binding force as to them, have a country of their own, and wish to retain it. The treaty is attempted to be enforced as to them, and they resist.

Thirdly. The want of promptness and faithfulness in the fulfillment of treaty stipulations on the part of the Government.

Fourthly. From the gathering together on one reservation of Indians who are hereditary and mortal enemies.

Fifthly. From the manner of the execution of executive and department orders.

The Modoc war was the direct result of the two last-named causes. The Modoc and Klamath Indians were and are hereditary enemies. Both tribes were put on the same reservation. The Klamath chief outranked Captain Jack. The taunts and jeers of the Klamaths drove the Modocs from the reservation. An order came from Washington to put them on the reservation again. A small squad of soldiers was sent to execute that order. The Indians refused to go. A volley was fired over their heads. The maddened savages returned the fire at a lower range. The soldiers retreated in good order and the rest is history. Nobody ever blamed the agent. He was a faithful and honest man; had the title of colonel, in fact.

Joseph always denied the binding force of the Nez Percé treaty so far as he and his people were concerned. The Government did not admit the correctness of his interpretation. No doubt in this case the unwise conduct of the agent tended to intensify the hostility of the Indians; but had the military done what they ought to have done and what they had full power to do, there would have been no war. As soon as it was determined to put Joseph upon the reservation, an adequate force ought to have been sent for the purpose. Instead of that a threat was made, but before the time for the execution of that threat arrived the Indians precipitated the war.

But suppose we admit, for the sake of the argument, that a few of the large number of agents are dishonest, and that their dishonesty has caused or contributed toward the breaking out of hostilities, does the history of the past give us a complete guarantee of the honesty of all Army officers? I admit that the sense of honor and right is strong in them as a body of men, but I deny that they have a monopoly of these noble qualities. If the civilization of the Indians is the primary object of our policy I doubt their fitness for the work. It is not simple protection that the Indian needs, but it is an active, practical instruction by example. It is not a negative policy, but an aggressive one, full of will power, full of love for the Indian, and abounding in labor and helping effort. For such work Army officers not only have no taste, but they have no fitness. To be successful the agent must ever be present, directing, guiding, helping, instructing, as well as sustaining and encouraging, in all the work of a rudimentary civilization. The Army officer will not do this. It is in fact difficult to get any fit person to do it. Other things being equal, where a man undertakes the work under a sense of duty and with a love for it, the chances of his success are far greater than he who goes in obedience to the commands of a superior to mingle with savages, and to do work outside of his line of duty. If he is to be a mere figure-head on the agency, then he is of no use in the work of civilization at all, his employé will be but smaller pattern figure-heads, and no progress will be reported.

Secondly. There is a class of Indians who have never acknowledged the superior power of the whites. They are ever ready to start up

like the felon wolf at midnight in a war of plunder and massacre. This class ought to be turned over to the military. There ought to be no division of responsibility in regard to them. They ought to be in the charge of the military, and that power held responsible for their behavior. Heretofore, I fear, there has been too great a disposition on the part of the military to hold the Indian department responsible for any outbreak. Looking at the acts which produced the outbreak in the clear light of subsequent developments, they have always had the vantage-ground in criticism. Let it be understood that the only virtue a wild Indian has is bravery, and the only vice he recognizes is cowardice. Let it also be understood that the only power he respects is a present power—ever ready to strike, and sufficient in force to strike an effective blow—and his submission is secured. Just so long as a thousand warriors, well armed and disposed to enter upon the war-path, are attempted to be kept in subjection by a mere squad of soldiers, and they often located at quite a distance from the Indians, just so long will we have outbreaks among these Indians. It is wise economy and merciful to soldier, settler, and Indian to make your force sufficient to overawe all opposition. If a hundred men instead of twenty-five had been sent to put Captain Jack and his turbulent warriors on the Klamath reservation there would have been no Modoc war, with all of its terrible butcheries. If, instead of making an insane threat to Joseph and his maddened warriors, an ample military force had been sent to put him on the Nez Percé reservation, there would have been no wholesale slaughter of citizens and soldiers. Whether there was any justice in the complaints of Captain Jack and Chief Joseph or not, when the Government determined to overrule them it was madness not to have had at hand the requisite force.

Improvement of the Mississippi River.

SPEECH OF HON. JOHN H. REAGAN, OF TEXAS.

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 4, 1879.

The House being in Committee of the Whole, and having under consideration the bill (H. R. No. 4318) to provide for the organization of the Mississippi River improvement commission, and for the correction, permanent location, and deepening of the channel, and the improvement of the navigation of said Mississippi River, and the protection of its alluvial lands, Mr. REAGAN proposed the following amendment to section 4 of the bill:

Provided, That said commission shall also consider and report on the practicability of improving the navigation, deepening the channel, and redeeming the alluvial lands of the said Mississippi River by means of outlets for the flow of the waters of said river into the Gulf of Mexico.

Mr. REAGAN said:

Mr. CHAIRMAN: I avail myself of this opportunity now to say that I will offer this amendment as modified by instructions of the Committee on Commerce, before which committee the general subject of the means of improving the Mississippi River has been for some time in some form or other. It has been suggested that the scope of the original bill would permit the investigation of the question as to the propriety or necessity of outlets for the flow of the waters of the Mississippi without the amendment which I have indicated. I am induced, however, to offer the amendment because the Secretary of War has already constituted a commission of engineers of the Army for the purpose of making an examination and reporting upon the means of improving the low-water navigation of the Mississippi River, in connection with another subject. I had the correspondence of the Secretary of War on that subject, but I have it not here now. But the instructions to that commission do not embrace the requirement that they shall examine the question of the necessity of outlets for the water of the Lower Mississippi River.

Three plans have been suggested for the improvement of the Mississippi River: one by levees, (and the especial friends of that system say it is the plan for the improvement of the Mississippi River;) another which looks to dikes and jetties as a means of giving uniform width and depth to the river, lowering the bed of its channel so as to improve the navigation and reduce the flood-level with the deepening of the channel; another which has been urged with a great earnestness proposing to open outlets from the Lower Mississippi to permit the flow of its waters by different channels into the Gulf of Mexico. In behalf of the latter plan it has been urged that it would lower the plain of surface descent of the river, confine its waters within the banks, deepen the channel, and while improving the navigation would relieve from overflow the alluvial lands of this great valley.

I do not propose to say that either of these plans is the proper plan. While I am not prepared to-night to discuss this question as it ought to be discussed (for my other duties have kept me so constantly engaged that I have not been able to give it a single thought since I obtained the floor) I do not believe that any project for improving the navigation of the river and redeeming its alluvial lands can be made effective unless it embraces a portion of each of these plans—outlets to carry off the floods of the lower river, dikes and jetties where the river is shoaly for the purpose of giving more uniformity

of width of channel and greater scouring power to the water to enable it to reduce the bars, and levees where they may be necessary to protect plantations along particular parts of the river.

Nature is a pretty good engineer; and it is very well for us to study her mode of operations in connection with a great problem like this. The Amazon and the great river that passes through Austria to the Black Sea, the Danube, have numerous mouths by which their floods are poured into the sea. The case is the same with the Mississippi River. The great rivers of the earth have generally sought for themselves more outlets than one to relieve themselves of their vast floods of water, and to prevent overflow and the destruction of property.

When we remember that this river and its tributaries water eighteen or twenty States and Territories, which contained in the year 1877 22,215,000 of population and now contain about twenty-five millions of population; that this great river and its tributaries furnish about fourteen thousand miles of navigable water, draining 1,257,000 square miles and more of territory; that this territory produced in 1876 1,123,000,000 and more bushels of Indian corn, about 87 per cent. of all produced in the Union; that it produced in that year 200,899,000 bushels of wheat, about 69 per cent. of all that was produced in the United States; nineteen million eight hundred and seventeen thousand dollars' worth of tobacco, being about 75 per cent. of all the tobacco raised in this country; 3,118,000 bales of cotton, being 74 per cent. of all the cotton produced in the country; and one hundred and thirty-seven million one hundred and fifty-four thousand dollars' worth of hogs, being 71 per cent. of all raised in the United States that year; besides the fact that these States furnish large amounts of other meats and grains, to say nothing of wool, coal, petroleum, &c., we see the extent and character of the material interests involved in the problem now before us.

A reference to the very able report made by the chairman of the committee who reported this bill shows the very large area of territory liable to be submerged by the floods of the Mississippi River. That report presents, with greater force and clearness than I can present, the necessity of some action by Congress for the purpose of redeeming that great valley from the mastery of the floods and restoring it to a condition to become the home of millions of prosperous people upon the richest soil on this or any other continent. I only mention these facts to show the interests involved and the necessity for some action upon this subject.

The action proposed by the War Department under the commission now created seems to me not to cover the whole subject. It does not, it seems to me, propose to deal sufficiently fully with the means of reducing the flood-level of the overflows of the Mississippi, nor does it appear to give sufficient importance to the necessity of such outlets as will drain off the vast volume of water from that river. I had occasion at one time to examine the report of Mr. Ellet, an engineer charged with the examination of this river, the means of improving its navigation and reclaiming its alluvial lands. That report, so far as I am capable of judging, (and of course I do not judge as a scientific engineer would judge such problems,) shows with the greatest clearness and force the absolute necessity of reducing the flood-level of that river by additional outlets to the sea; and Mr. Ellet recommends a number of these outlets. Of that I shall speak somewhat hereafter. I desire now to call attention for a moment to the suggestion which has been presented that we can reduce the bed and hence reduce the flood-level of the Mississippi River by confining the water within its channel by levees. If we examine the subject of levees we shall find that it is one which has been thoroughly tested in every quarter of the globe.

The Hong-Kong River, in China, has been leveed for ages. A few years ago the government of China was spending \$7,000,000 a year in the leveeing of that great river. By the deposit of sediment which passed from the upper waters to the sea its point of entrance into the sea was thrown considerably farther out than formerly, and the line of descent was raised so as to require the raising of the levees. A shorter river line might descend more rapidly, but at the mouth the flood-level becomes more horizontal, and by operation of the sediment the mouth is extended so the levees necessarily have to be raised as the line of descent is raised. Such has been the case, until now portions of the levees are above the tops of ordinary houses. At one time these levees were broken, and floods of water from that great river were poured over the land, destroying more than a million of people and hundreds of millions of property. So if we look at the river Po, in Italy, we find the same operations of nature, extending the mouth of the river outward into the sea, have raised the line of descent until the levees of that river have been raised until it is now said portions of the levees are above the height of ordinary houses.

Mr. ELLIS. If my friend will allow me I would like to ask him if he does not know that that fact has long since been exploded by Lombardini, a late writer?

Mr. REAGAN. I state what is reported in the books, and for the statements of these engineers of course I am not responsible.

Mr. ACKLEN. I should like to ask the gentleman from Texas whether that theory was not entirely exploded—whether what was stated to be the fact, that the rivers Po and Adige had raised their beds because their mouths had been extended out into the sea, was not entirely and utterly refuted by the statement of Chevalier Lombardini, who showed conclusively the theory based upon the statement made by Cuvier was entirely erroneous?

Mr. REAGAN. I have not examined the authorities to which the gentleman has referred.

Mr. ROBERTSON. I should like to ask the gentleman from Texas whether the levees of the Mississippi have ever been raised?

Mr. REAGAN. I understand they have been raised very considerably. I speak from what our engineers say. My view will get before the committee and may be answered if there is an answer to it. I am not wedded to any special authority and I am not the advocate of any special theory, but what I am saying is in the interest of that great work, and with a view, if I can, to direct attention to what will bring about the reclamation of those submerged lands as soon as the Government can provide the means to do it. I want no failure. To that end I desire every means of improvement to be examined and tested by the best skill we have on the part of the Government.

In reference to the question put to me by the two gentlemen from Louisiana, I have only to say this, that I am speaking from information drawn from the books concerning the rivers I have referred to. If the theory is exploded it is hardly probable the fact is exploded that the levees there stand far above the common level of the valley.

Mr. MONEY. It was not a theory at all, but it was a fact which was exploded.

Mr. REAGAN. The fact, then, is denied that the levees are above.

Mr. MONEY. Yes, sir; after the most accurate surveys.

Mr. REAGAN. That does not meet my point. That is not what I thought the gentlemen were controverting. It has nothing to do with what I said. I am aware of the authority to which the gentleman refers which claims that the bed of the river was never raised; but by the raising of the surface level of the river the surface of the river has been raised so as to make an increase of the height of the levees necessary to protect the adjacent country against floods. What I say is verified by our common sense and requires no engineer to prove it. It may be understood by assuming that the river extends from where I am to the seat of the gentleman down the main aisle of this House. It has a descent from here to the sea level at that point; but, sir, if the deposit from the sources of the river and from other portions, which is continually borne by the current toward the sea is taken to the mouth where it comes into contact with the salt water, and the result is to lengthen out the mouth into the sea, you will see at once the surface level is raised whether the bed be raised or not, and the surface of the flood must be raised to meet the new flood-line created by the prolongation of the river and the raising of its surface level.

Mr. CHALMERS. Will the gentleman explain why the levees contribute to the prolongation of the river?

Mr. REAGAN. I do not propose to explain that.

Mr. CHALMERS. Is it the prolongation of the river which raises the surface of the water?

Mr. REAGAN. It is the prolongation of the river by the deposit of sediment from above, which raises the plane of the surface.

Mr. CHALMERS. The levees do not create that?

Mr. REAGAN. The levees do not create it, but, sir, if that prolongation goes on with the surface level raised and the volume of water which flows down the Mississippi is confined to a single channel, the volume of water collected on half a continent is poured into a single channel with no outlet but a single channel of the river, I say to you I would not believe any engineer on earth if he were to tell me it was possible to create levees to hold that volume of water within them.

Some of the best engineers we ever had, and I instance Elliott among them, have declared that the volume of water is too great when the mighty tributaries of that river, including the Red River, the Arkansas, the Tennessee, the Ohio, the Missouri, and all their tributaries are poured in—that volume of water is too great to be confined within the channel of that river by levees, which would not be a constant menace to the safety of all the people who live under their protection.

Mr. MONEY. Will the gentleman allow me to interrupt him at that point?

Mr. REAGAN. Yes, sir.

Mr. MONEY. I know the gentleman simply wants to get at the truth of this matter. Upon that question of the raising of the surface level of the water of the river by the prolongation of its delta, the best engineers the United States has given to the world have declared it would be absolutely inappreciable in a century.

Mr. REAGAN. No engineers can change the laws of nature. They may work out great problems of science, but they cannot change the laws of nature. It is true that the prolongation may go on slowly; yet our most learned engineers say that the sea was once at a point twenty miles above the mouth of the Ohio River, and that from that time till now the land has been prolonged with its channel a thousand miles by the river. Whether that be so or not, all who are familiar with that valley, all who are familiar with the geological examinations that have been made, know that much, most, or I might say all of the lower delta of that river is of comparatively modern formation. When I say comparatively modern, I mean as the works of nature go on in their great development.

Now, sir, in relation to leveeing the river alone, and I am speaking now of that as the sole means of protection, it is true that the waters are confined within the Nile by levees. It is also true that

for fifteen hundred miles from the mouth of the Nile it has few if any affluents, and the levees which are made along its margin protect the back country. It is said that with the levees on the margin of that river and those that are made in its valley, either to contain water for irrigation or to exclude water from the settlements, it has thirty-two thousand miles of levee; enough to girdle the world if they were drawn out in a single line. But, sir, if that river which has no affluents but a single channel can be protected by levees, what shall we say as to this great river of ours of which I am speaking. A system of levees that would confine the vast volume of its waters in a single channel would raise them to such a height as to throw them back up the White River, the Saint Francis, the Yazoo, the Red River, the Arkansas and every affluent of the Mississippi and inundate the country all behind it, unless while leveeing the banks of the river itself you reverse your levees and run them up these affluents above the reach of the floods; and if that is done, how then are we to have an escape for the ordinary rain-fall on the surface?

I know, sir, that upon particular plantations and premises steam-power is used to draw the surface water thus collected and pour it off into the outside floods. Where is the power to come from to draw off all the water that would fall between the Red River and the Arkansas; between the Arkansas and the White River; between the Big Black and the Yazoo; between any two of those rivers? The surface fall of water must go somewhere. The floods come in the spring-time, when we are plowing and planting. Evaporation could not carry off this surface water in time to relieve the country for planting; and when it did carry it off it would be under the burning rays of a summer's sun, with a destroyed and rotting vegetation, decaying timber, and sickness, death, and desolation wherever these floods are permitted to stand during the hot weather for long periods on the surface of the ground.

I call attention—and gentlemen will understand that it is in no unfriendly spirit—to these things as things that must enter into the minds of any engineers or others who propose to deal intelligently with the problem of improving the navigation and redeeming the overflowed lands of that great valley.

Mr. MONEY. If the gentleman will allow me right there I will say that from 1845 to 1861 the levees of the Mississippi River did confine its waters without the results the gentleman has stated. If he will read the report of Abbott and Humphreys he will find a table that will show the heights exactly at different points on the river from Columbus, Kentucky, to its mouth, at which the water would be raised by confining the river. At Vicksburg the calculation was that it would be raised only three and three-eighths feet, and the highest point at Lake Providence was only nine feet above the present height of the levees. By the levees you confine all the water that comes down from all the tributaries of the Mississippi.

Mr. REAGAN. As the country becomes developed and cleared up and cultivated, drainage is provided for, and all the floods of these rivers are borne into the main stream to a greater extent and much more rapidly than they could have gone in a state of nature when they moved slowly through the grass and other obstructions and there was little drainage. We ought to consider what the effect of these facts will be.

I am not going to enter into a controversy with engineers when they are divided among themselves. I do wish to say for them, however, that like doctors, like lawyers, like merchants, like farmers, engineers have their pet theories, and if my friends attempt to foster the pet theory that levees alone can confine the waters of that great river and its tributaries in one single channel and protect the back country against the breaking of the levees, and the overflowing of the country, it will be found that they have made a great mistake after we may have spent millions in order to carry out that pet theory, and to that I call attention. If you will have an enlargement of the entries from the river to the sea which nature has made to drain off these floods by shorter lines than it is now done when leveed, then we can reduce the flood-level, increase the velocity of the current, deepen the channel of the river, improve the navigation of the river, and preserve its lands by moderate levees, and not destroy a country by a system of levees alone which will destroy the whole of the Yazoo and Sunflower country and others similarly situated. I tell the gentleman from Mississippi to-day that if an attempt is made to confine the Mississippi within its banks by levees that the Sunflower and the Yazoo country, a vast region of as rich a country as the sun ever shone upon, now producing its hundreds of thousands of bales of cotton and other products, will go under water in every flood and cease to be navigable. The same thing will be true of the Saint Francis, the White River, the Lower Arkansas, and the Lower Red River, and every affluent that enters the river.

Mr. ELLIS. I will state that the levees were built in 1845, and the system became general from 1845 to 1861; that the dire calamity which he speaks of never happened to the valleys of the Yazoo and the Sunflower.

Mr. REAGAN. My friend has lived on the Mississippi River, and I have not; but I have some information upon this subject which he seems not to have, and that is, although the river had been leveed, from first and last, a long way, all the time the outlets drawing water to the sea by shorter lines than those existing, those levees have been broken by the power of the floods in a hundred places. I speak from the reports of the engineers of the United States.

Mr. ELLIS. No; on the contrary, the largest of the tributaries, the Atchafalaya, is not so in this respect.

Mr. MONEY. I would like to say one thing to the gentleman from Texas, that I think he and I will agree substantially, because I have no outlet theory; but what I desire to say is that the discussion heretofore has been on matters that are not presented to the House by the bill of the committee.

The bill does not propose the levee system, the outlet system, or any other system, but it meets the conflicting views of everybody in the House by proposing a bill submitting the whole matter to competent engineer authority.

Mr. REAGAN. The bill does not mention the outlets of the river.

Mr. MONEY. Nor does it mention the levees.

Mr. REAGAN. I stated before as an additional and very forcible reason with me that the Secretary of War has organized a commission without any express authority of law to enable him to go forward with the investigation of an important question as the foundation for a great work and in the authority conferred upon that commission there is no reference to the improvement of the outlets of the river. Why, sir? Because certain engineers are determined to have the river confined within its banks by levees on a pet theory that that system and that alone can improve the navigation of the river. My purpose is not to impose the necessity of levees nor to constitute it the necessary part of any system that is to be undertaken for the improvement of the river, and I wish to call attention to the fact that this is supposed to be an attempt to improve the river on a pet theory. My purpose is not to impose the necessity of levees unless they constitute a necessary part of any system that is to be entered into for the improvement of the river; but my object is to call attention to the fact that in that attempt to improve the river on a pet theory we disregard the forces of nature and the great power of the largest moving body of water on earth. We fail to meet the problem and will not succeed. I believe it is the duty of this Government to provide means of improving the navigation of that great river. It will bear upon its bosom the commerce of more than half the continent, and I believe it is the duty of the Government to do whatever is within its power under the Constitution, if we can find a system which will enable us to reduce the flood's level so as to protect the adjoining country; but I do not think that a great work of public improvement, which will require the expenditure of millions of dollars for the improvement of a great water highway, should be entered upon by short-sighted views or by the theories that our own common sense and practical observation teaches us beforehand must fail.

The amendment which I offer at the suggestion of the Committee on Commerce incorporates these views in the instructions to the engineers. I want them to inquire into the effect of the levee system and the jetty system, into the effect of giving suitable outlets for the flow of this vast volume of water into the sea. I do not want them to come before us to ask us to enforce impracticable measures, but to grasp the whole subject and deal with it as common-sense men would deal with their own ordinary affairs.

Mr. ROBERTSON. I suppose the outlet to which the gentleman refers is from the river to the Gulf, and I hold that it is impossible to make an outlet except below the Red River.

Mr. REAGAN. I would leave that question to the engineers.

Mr. ROBERTSON. Unless the outlet be made below the Red River the waters will return to the river. I would ask what would be the effect of an outlet in the river channel? Will it make it run shallow, or will it deepen the channel?

Mr. REAGAN. I will answer the first question, as to whether it would be possible to make outlets except below the mouth of the Red River. I do not for myself undertake to answer, but Mr. Ellett, who makes one of the ablest reports I ever saw on that subject, does contemplate the possibility of diverting both the Red River and the Arkansas River into the Gulf.

Mr. ROBERTSON. That is a diversion of a tributary, not an outlet to the Mississippi River.

Mr. REAGAN. That would be taking off a portion of the volume of the water, by whatever name you may call it.

Mr. ROBERTSON. I am speaking of an outlet to the Mississippi. I say that it is impracticable to make any outlet except below the mouth of the Red River. Now does not the gentleman know that every outlet that has been made—and I take an outlet and a crevasse to be the same thing: take the Morganzas Crevasse, the Bonnet Carré Crevasse, the Cubitt's Gap Crevasse—I ask the gentleman if immediately these outlets do not begin to form a sub-delta, and are they not now filling up and closing? I ask the gentleman if he is not aware of the fact that these outlets immediately begin to form sub-deltas and begin to close?

Mr. REAGAN. That is one of the processes of nature.

Mr. ROBERTSON. I state it as a fact.

Mr. REAGAN. The deposits from the outlets will form deltas just the same as the main channel is forming a delta and prolonging itself into the Gulf by the deposits at its mouth.

The question is also asked whether the forming of an outlet does not tend to shoal the river below the outlet. I am aware that in the remarks made by the gentleman from Louisiana [Mr. ELLIS] the other day he proposed to show that fact. How far that may be true I am not prepared from examination or from information to now state. That it will reduce the volume of water and enable a smaller chan-

nel of less depth to convey away the waters is certainly true. If we turn off the waters of the Mississippi through an outlet half a mile wide, and twenty or thirty feet deep, we will take that much volume of water from the river and reduce its volume that much below the outlet.

Mr. Ellett and others who have examined the river meet the statement that drawing off the waters by outlets will impair the navigation of the river by saying that it does not impair the navigation of the Mississippi River. They insist that outlets form a necessary element in any scheme for protecting the people of the lower valley against the great floods that come down that river.

Now, Mr. Chairman, all that I desired, all that it has been my purpose to do, is to require any commission raised to examine this subject to be charged with the duty of ascertaining what effect leveling that river will have upon it. I desire them also to ascertain what effect dikes and jetties at shoal places along the river will have in giving uniformity to the width and depth of that river, so as to improve the low-water navigation of the Mississippi and reduce its flood-level.

Great as that river is in its magnitude, its low-water navigation is seriously impaired during the stages of low-water. I desire to inquire, then, what the effect of outlets from the Lower Mississippi, bearing off its floods to the Gulf by shorter lines, will have upon the navigation of that river and upon the reclamation of the lands adjacent to it?

I believe I have said before, and I repeat it, that any scheme for the improvement of this river that embraces but one of these plans to the exclusion of the other two must of necessity be a failure. Any scheme that is to prove a success, and that is to justify the action of Congress in appropriating money for this great work, must embrace all three of these plans as elements in any scheme that will give success to such a system of improvement.

Mr. ROBERTSON. Before the gentleman takes his seat I desire to say that I concur in the statement made by the gentleman from Mississippi [Mr. MONEY] as to the object of this bill. The first nine sections of the bill adopt no theory. They simply leave to a commission the investigation of the different theories, and leave them to form their plans and estimates. I think the amendment of the gentleman from Texas [Mr. REAGAN] is entirely unnecessary, because the fourth section of the bill fully meets his point. I will read that portion of the bill to which I refer:

It shall be the duty of the said commission to take into consideration such plans and estimates for the correction and permanent location and deepening of the channel of the Mississippi River and the improvement of the navigation of said river, and for the protection of the alluvial lands of the Mississippi Delta from overflow from said river, as may be suggested by any member or members of said commission, and by other persons, &c.

Now, it does not direct this commission to adopt any theory or any plan; but they can hear any person and can take into consideration not only the proposition with regard to outlets and the diversion of tributaries, but cut-offs and any other plans to improve the navigation of the Mississippi River as well as to protect its alluvial lands. I think, therefore, the amendment of the gentleman is unnecessary; but if he insists upon it in order to make it clear, distinct, and unequivocal, so far as I am concerned I am willing to accept it.

Mr. REAGAN. The fourth section of the bill is pretty broad, but some other sections of the bill point to modes of improvement and do not mention outlets. This bill, like the instructions of the Secretary of War to the commission now in operation, seems curiously to have avoided that particular element. As I have said, it is a pet theory of the engineers, which in my judgment is a blunder. Perhaps I ought to speak with deference when referring to a science with which I am not familiar; but we must exercise our common-sense, our judgment, in a matter of this great moment.

It is because other modes of improving the river are mentioned in this bill and outlets are not mentioned; it is because the instructions of the War Department to the present commission look to other means of improving the river and do not look to outlets, that I deem it necessary to offer an amendment; and I am obliged to the gentleman from Louisiana [Mr. ROBERTSON] for saying that he will accept such an amendment. I think we ought to insert in the bill affirmatively that we require the question of outlets to be examined along with the question of levees and of jetties and dikes.

Mr. CONGER. Will the gentleman allow me to ask one question?

Mr. REAGAN. Certainly.

Mr. CONGER. Does not the very fact of proposing levees presume continuous outlets, and leave the question to be determined whether all outlets shall be closed by levees or only portions of them? It seems to me it is not necessary to speak of outlets when the very theory of the levee presupposes outlets.

Mr. REAGAN. Well, I am not here to construe language. By the language which appears before me, I see that other modes of improving the river are referred to. I believe outlets to be one of the necessary modes of improvement; and I desire this House, if it agrees with me, to put it affirmatively in its instructions, so that the whole field shall be examined and that we shall not be furnished with a report that shall meet only a part of the question, leaving us to grope for information as to other branches of the question without the aid of engineers.

Mr. MONEY. As throwing some light on this question I will ask the Clerk to read the fourth section of the bill.

The Clerk read as follows:

SEC. 4. It shall be the duty of the said commission to take into consideration such plans and estimates for the correction and permanent location and deepening of the channel of the Mississippi River and the improvement of the navigation of said river, and for the protection of the alluvial lands of the Mississippi Delta from overflow from said river, as may be suggested by any member or members of said commission, and by other persons, and to prepare and mature plans for and estimates of the cost of a general system of works for the correction and permanent location and deepening of the channel and the improvement of the navigation of said Mississippi River and the protection of said lands between Saint Louis, Missouri, and the passes at the mouth of said river; and when so prepared and matured and approved by the president of said commission, to make and submit to the Secretary of War a full and detailed report of their proceedings and actions, and of such plans and estimates for the purposes aforesaid, to be by him transmitted to Congress.

Mr. REAGAN. As the fourth section has been read let me read the sixth section, in order that it may be seen whether I am justified in the construction which I have put upon the bill:

SEC. 6. The said commission, or a majority of said commission, including the president thereof, may, prior to the completion of all the surveys and examinations contemplated by this act, and prior to the submission to the Secretary of War of their matured plans and estimates for the purposes aforesaid, prepare and submit to the President of the United States plans, specifications, and estimates for such immediate works as may be necessary for closing such outlets of said river and such gaps and crevasses in the levees on the banks of said river, and, as may be necessary, in the judgment of said commission, to secure an earlier correction and permanent location and deepening of the channel of said river, and for the protection of said lands, and as may constitute a part of the general system of works herein contemplated and provided for, to be by him transmitted to Congress; and if such plans, specifications, and estimates shall be approved by the Congress of the United States, then the Secretary of War shall cause the immediate construction of such works in such manner as may be deemed most speedy and economical.

Here, sir, is an express assumption that we are to close outlets and breaches in the levees and confine the water to the channel of the river.

Mr. CONGER. Does not the section which the gentleman has just read provide that this commission shall report upon such outlets, if any, as may be necessary?

Mr. REAGAN. I do not so understand.

Mr. CONGER. I think that is the precise provision of the section which the gentleman has just read—that the commission shall report what outlets shall be closed.

Mr. ROBERTSON. That is it.

Mr. REAGAN. If that is the effect of this provision it has escaped me. I again read the language:

Prepare and submit to the President of the United States plans, specifications, and estimates for such immediate works as may be necessary for closing such outlets of said river and such gaps and crevasses in the levees on the banks of said river, and, as may be necessary, in the judgment of said commission, to secure an earlier correction and permanent location and deepening of the channel of said river.

Mr. CONGER. The language to which I refer is prior to what the gentleman has just read.

Mr. REAGAN. I think there is a careful exclusion of the idea which the gentleman suggests.

Resumption.

SPEECH OF HON. THOMAS EWING,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 22, 1879.

The House having under consideration the bill (H. R. No. 805) to repeal the third section of the act entitled "An act to provide for the resumption of specie payments"—

Mr. EWING said:

Mr. SPEAKER: No argument has been presented to impair the reasons I gave in the opening of this debate this morning for the adoption of the amendments proposed by the Committee on Banking and Currency. I therefore see no occasion to discuss those amendments further. But the exultant and braggart tone in which gentlemen have defended the resumption scheme, and the rosy and, I believe, erroneous view they have taken of its effects on the country, lead me into a much fuller discussion of the scheme than my proposed amendments necessarily call for.

OUR CHANGED STANDARD OF VALUE.

The resumption to which the country has at last been brought is simply and purely gold resumption. All prices have been forced to or below the gold level, and cannot rise above it without upsetting gold resumption. The limited quantity of silver permitted to be coined can have for a long time no considerable effect on prices. The silver dollars, worth as bullion 18 per cent. less than the gold dollars, are, like the nickel and fractional silver, merely token coins, as long as the great mass of the currency which is paper is convertible at will into the higher-priced dollar. Hence, though the gold and silver dollars are equally full legal-tenders, yet our sole and absolute standard of values is now the gold dollar, and must so remain while our paper currency is convertible into it.

The fall of prices we have suffered since 1875 was the necessary condition precedent to successful gold resumption. We had been using for nearly eighteen years a currency of paper redeemable by receipt for public dues, and performing all the uses of money in every private transaction except in payment of customs; and every value in the land was measured and fixed by the volume of that money actually current, compared with the aggregate of our business uses for money. These values had no fixed relation to gold values, because gold was a mere commodity used by the people only in paying customs and adjusting foreign balances; and its price in our markets fluctuated precisely like other commodities under the law of supply and demand.

But the gold prices to which we have now been brought are determined by the grand aggregate of the currencies of the several gold redemption nations, compared with the grand aggregate of their business demands for money. Values are kept at something approaching a level among such nations by the operations of international trade. As long as each of such nations has its proportion of currency compared with its proportion of demands for its use, gold will not flow from one of such nations to another: but if one such nation gets an undue proportion of currency including gold, a rise of prices follows; it at once becomes a dear market to buy in and a good market to sell in; exports fall off, imports increase, the balance of merchandise trade turns against it, and its gold is then shipped off to pay the balance. A contraction of its currency follows, and a fall of prices. It then becomes a bad market to sell in and a good market to buy in; imports therefore decrease, exports increase; the balance of trade turns in its favor and gold comes back to pay the balance, thus restoring its proportional volume of currency, and bringing its values up again to what is called the gold level. This is the method called by its advocates the system of regulation of the currency by "the laws of trade," which system the gold resumption law establishes here.

THE ROAD TO GOLD PAYMENTS FROM 1866 TO 1879.

The reason the scheme for gold resumption has so profoundly agitated our politics for several years past is that it necessarily involved a great and permanent lowering of the prices of labor and property, great business stagnation and distress during the period of falling prices, and an immense increase of the burdens of debts and taxes. The discussion, which began as soon as the scheme inaugurated by stealth was made public, has been befogged by the craft of the money power playing on the ignorance, the prejudices, and the thoughtlessness of the people. To the great holders of money securities of this debt-ridden world the gabble about "honest money," "public faith," and the thousand sophistries with which legislation in their interests is obtained or supported, are merely their tools of trade. Their anxiety about the kind of money a people may use goes no further than to have affairs so managed that great public and private debts shall be made in a cheap currency and paid in a dear one. They have played that trick on England, the United States, and other nations, until they have filled the world with princes and paupers. When our great rebellion broke out they withdrew their gold and forced us to a large issue of money, not redeemable in coin, but in receivability for public and private dues. The volume reached in 1866 \$1,545,000,000 of United States legal-tender paper, over two-thirds of which (\$1,117,000,000) bore interest, it is true, and therefore did not circulate as freely as other money, but which, being legal tenders for all public and private dues, had a great effect in increasing prices, and which, added to the bank-notes, gave us an aggregate paper money of \$1,803,702,726. We made our national debt almost wholly in this money, or rather in labor, and property increased in prices by it. Our 6 per cent. bonds, which were rated at par in this money, brought us on an average about fifty-six cents on the dollar in gold value.

From 1866 to 1871 all but thirty-three and one-half millions of the \$1,117,000,000 of interest-bearing currency was redeemed and canceled; nearly all of it being funded in 6 per cent. bonds payable originally in legal-tenders, but subsequently in violation of the contract made payable in coin. While that large volume of currency existed the people were almost wholly out of debt. Its withdrawal resulted in building up a vast credit system which to a large extent sustained prices and business until the gathering burden of debt and the shrinking volume of currency brought on the collapse of 1873. Then, aided by an increase of the currency issued in obedience to the demands of embarrassed capitalists, the country was rallying from that collapse, when (silver, having been quietly demonetized and half of our coin resources thus cut off) the gold resumption law was passed; involving in its execution a vast additional fall of prices to the gold level, and the liquidation of an unparalleled burden of public and private debts in property and labor shrunk to an average of not much more than half of their values when the debts were made.

Mere humanity would have dictated to the manipulators of this scheme of gold resumption to attain their end by the more direct method of having a law enacted which would not have shrunk the currency or lowered values of labor and property, but would merely have doubled the number of dollars of each public and private debt. But the practical difficulty was that the robbery would be open and palpable, and the people could not be fooled into submission to it. Yet it would have been vastly more humane—for the industries of the country would have gone on at full play, the robbed could have made up their losses by profitable business, the nation would have kept on

growing richer, and the furies of vagabondage, poverty, starvation, and insanity, born of the stagnation of falling prices, would not have been turned loose to desolate every industrial center of our land.

Even if our people had been free from debt and lightly taxed, this forced lowering of prices could not have been accomplished without vast injury to our industries. A fall of prices necessarily makes all current business unprofitable, if not ruinous. Capital shrinks from business when prices are falling, embarrassment and losses to traders and manufacturers follow, labor loses employment, and the industrial energies of the people are impaired.

How great is the calamity of impaired production may be realized by comparing the annual productions with the accumulated wealth of our people. The most reliable estimate of our annual productions is that of David A. Wells, who placed them in 1869 at \$6,825,000,000, while the whole assessed value of taxable property, real and personal, in all the States in the following year (1870) was but \$14,021,000,000. Assuming the property to have been worth one-third more than its appraisement for taxation, say \$21,000,000,000, it follows that all the accumulations of our people for two hundred and fifty years, including all their lands and improvements, are worth only the products of three years of successful industry. Assuming that our last ten years of increase in population, and improvement in machinery, will offset the fall of prices since 1869, and that we could now, with our industries in full play, produce \$6,825,000,000 of values at present prices, then the gross product of all our industries for eighty-eight days would pay our national debt, and the loss of production for eighty-eight days would lose the value of that debt. Mr. Wells estimates that only ten millions of men, women, and children, or a little more than one-fourth of our population, were in 1869 producers of values—producing on an average \$682 each a year. Harper's Weekly estimated the number of wage-people—men, women, and children—in enforced idleness in 1876 at three millions. The Maryland convention to consider the tramp question last year put the number of tramps alone at one million. I think it a reasonable estimate that on an average each day for four years past the producers of values have lost one-fifth of their usual working hours through enforced idleness. Assuming that they numbered eleven millions of persons, and that each one would produce \$500 of values a year, instead of \$682, as estimated by Mr. Wells in 1869, then our annual loss of production from stagnation of business through the fall of values incident to gold resumption has been \$1,100,000,000 a year, or \$4,400,000,000 in the four years from 1875 to 1879—two and a half times our whole national bonded debt!

But the descent from the paper to the gold level of prices carried with it not only this enormous loss of production from business stagnation, but also incalculable losses to tax-payers and debtors by the fall of values of everything by sale of which money is realized to pay debts and taxes. These causes combined have made the four years of preparation for resumption the darkest era in our industrial and social life—a period that has stripped millions of their hard-earned savings, turned hosts of willing laborers into vagabonds, filled the gazettes with bankruptcies, suicides, and sheriff's sales, and crowded our mad-houses, asylums, and jails with the victims of a law more diabolical than man's inhumanity to man ever before enacted or enforced.

It is the great boast of the republican party that by its financial policy it has reduced the interest-bearing national debt \$453,000,000 in the last twelve years. But they got from the people, in the same years, \$4,054,000,000 in taxes. Had they been as economical heretofore as the democratic House has compelled them to be for four years past, they would have reduced the debt three hundred and twenty-four millions more than they have done, without additional taxes.

But has the public debt been reduced at all? It has in name, but not in fact. It takes more of labor, or of wheat, corn, pork, beef, cotton, petroleum—everything with which it must be paid—to pay either the interest or the principal of the debt now than it did at any time since it was incurred. The farmers have lost in the price of their crops of wheat, corn, and oats alone in 1878, as compared with 1873, \$478,000,000, more than the whole of the boasted reduction of the debt. They have lost in the prices of their corn, oats, wheat, hay, and cotton, in 1878, as compared even with the low prices of 1877, \$327,000,000. The wage-people alone have lost in wasted time and reduced wages, directly resulting from the fall of prices incident to gold resumption, more than the whole sum of the national debt since the scheme was inaugurated. Measure the debt by the prices of anything which goes to pay it—by labor, or land, or products—and it has been steadily increased, until it is now from one-third to one-half larger than it was when the policy of silver demonetization and gold resumption was inaugurated.

But we are told, Mr. Speaker, the deed is done—prices are now brought to the gold level—debtors, tax-payers, and wage-men have already been robbed, and their lost property and wages cannot be restored by any measures we may adopt; that we had to reach that level some time by either a slow or an abrupt descent, and now, though bruised and bleeding by the fall, we should stay at the bottom and make the best of it. We are even assured that if we accept the situation cheerfully and hopefully we will rise from these trials and sacrifices, building on firmer foundations a renewed prosperity, because gold will now flow out in circulation with silver and paper, swelling the volume of an "honest" currency, and giving a healthful rise to prices and stimulus to enterprise and industry.

Sir, I have re-examined this whole subject in no factious spirit, but with a sincere and patriotic desire to acquiesce in gold resumption if it be for the general welfare. And I now reaffirm my conviction that if prosperity be restored gold resumption must fail; and if gold resumption be maintained the people must grunt and sweat under their weary load of debt, taxation, and industrial malaria for many years to come.

Let us now turn our backs on the terrible period of preparation for resumption, on its business failures of a thousand millions, its four thousand millions of loss of production, its armies of willing laborers turned to tramps, its desolated hearths, its broken hearts, its wails of human agony; and look at the sacrifices yet to come to maintain it.

THE ENORMOUS RISE IN THE PURCHASING POWER OF GOLD—ITS CAUSE AND ITS EFFECT.

Mr. Speaker, the advocates of gold resumption tell us that great industrial distress prevails in Great Britain, Germany, and other nations as well as in the United States, and therefore insist that resumption cannot be the occasion of our trouble, but that it must come from some world-wide cause. One says it is providential, another that it is the result of a devilish spirit of communism in the wage classes, while Professor Jevons, a high priest in the temple of science, declares it is the result of the malign influence of spots on the sun, which he finds return at periods approximating the recurrence of great famines and panics. But it seems to me hardly philosophical or fair to put the blame on the workingmen, or Divine Providence, or the sun spots, or the Old Nick, if an adequate and obvious cause be apparent.

Here is the cause of the industrial distress in England, Germany, and other nations—a cause at once adequate and easily understood—one which satisfies the reason though it does not give the play to the imagination which the theories of Professors Jevons, Garfield, Sherman, and Co. afford. It is that for the past five years gold has been steadily increasing in purchasing power, and land, labor, and products steadily falling in gold price, not only in the United States but wherever a currency convertible into gold exists. This fact has been repeatedly stated by the London Economist, the highest English authority, for several years past. The New York Public, a strong gold resumption paper and the best authority on prices in the United States, in its issue of the 12th of December last, referring to its former articles showing the fall in the gold prices of commodities in the New York market for several years past, says:

Our examination of prices has now been greatly extended. We have before us tables covering the prices of over eight hundred articles, which represent over four-fifths in value of all articles entering into commerce or consumption in this country. * * * The approximate correctness of the following ratios, reducing quotations to gold, may therefore be affirmed, namely, \$100 in 1860 equals in purchasing power \$126 in 1864, and \$124 in 1873, and \$167 November 1, 1878. The shrinkage in the average gold value of commodities (exclusive of all stocks or bonds and of all real estate) from January, 1, 1873, to November 1, 1878, appears to have been about 34.1 per cent.

This enormous fall in the gold prices of commodities in New York in the past six years has necessarily been accompanied by a similar and approximately an equal fall throughout the nations whose currency is redeemable in gold. In other words, the gold level of commodities throughout the commercial world is about one-third lower than the gold level of five years ago, and about 19.23 per cent. lower than it was in 1860.

Why is this fall of prices or rise in the purchasing power of gold? Partly because the world's annual product of gold has gradually and steadily fallen off from one hundred and ninety-three millions in 1853 to less than one hundred millions in 1878, while the loss by wear and tear, the consumption in the arts, and the increased demand by growth of business, have steadily gone on. The great money sharks of the world seeing this, and seeing the product of silver steadily increasing, deliberately formed and executed a plan for the demonetization of silver and the establishment of the scarcer and dearer metal, gold, as the sole standard of values and only full legal tender in all the great nations. They induced Germany, whose currency was almost wholly silver, to demonetize it in 1873, and thus brought on a demand for \$265,000,000 of additional gold (according to the estimate of the London Economist for December last) to fill up her measure of currency. They also induced France, Italy, Belgium, Switzerland, and other nations to limit and finally stop the coinage of silver, thus increasing the demand for gold in those nations. And they at the same time by stealth demonetized silver here and forced us to gold resumption, thus creating a new and large demand for gold in the United States. Apparently as part of the scheme the great banks of Europe (according to the Commercial History and Review for 1877, as quoted by the London Economist for December last) have added in ten years the enormous sum of \$413,250,000 in gold to their hoarded reserves. When we recollect that the entire gold coinage of all the nations is but about \$3,300,000,000, we can readily understand the tremendous effect on gold values of these new and sudden demands for more than one-fourth of the entire gold accumulations of the world. This cause, added to the falling off in the annual production of gold, is ample to account for the immense fall of the gold prices of commodities from 1873 to 1878, as shown by the tables of the New York Public. Labor, on an average, has fallen in nearly equal, and real estate in still greater, proportion.

During this fall of prices in England, Germany, and generally throughout Europe, all business has been necessarily disastrous; mills, mines, and factories have reduced or stopped work; armies of willing laborers are thrown out of employment, and many millions of men, women, and children are put to the slow torture of nakedness and starvation.

But it has been a heyday for the creditor class. A fall of 33½ per cent. in the prices of land, labor, and commodities means an *increase of 50 per cent.* in the purchasing power of money. The five Rothschilds alone, who are reputed to own three thousand millions of securities, have had about \$1,500,000,000 added to the purchasing power of their bloated fortunes by it. The national debts of the world, payable almost entirely in gold, amount to \$23,000,000,000; and the other public debts and the corporate and private debts running through this period of fall of prices, and which must yet be paid in land, labor, and commodities at gold values, would probably swell the aggregate of such public, corporate, and private debts of nations having the gold standard of prices to at least \$50,000,000,000. This rise in the purchasing power of gold, or fall in land, labor, and commodities, will be a gain, therefore, of about \$25,000,000,000 to the creditor, and an added burden of about \$25,000,000,000 on the shoulders of the masses of the people. The press of the world almost wholly, and the pulpit and the rostrum very largely, are bribed out of the huge gains of the creditor class to hide this gigantic villainy from the eyes of men; while the workers, who create the wealth, sinking under their added burdens, sit like the helpless Job to be jeered at in their leprosy of want and despair, their comforters telling them there is no hope of relief and nothing to do but to curse God and die.

Men and brethren! Can this unparalleled robbery and torture of the people be carried on by nations boasting of the humanities of Christian civilization? Will the masses stand like sheep to be shorn, or like cattle drawn to the bull-ring to be slaughtered? A thousandth part of this cruelty and wrong, if perpetrated openly, would set the world aflame with revolution. Are men so dull that ordinary observation cannot discern the villainy? Do not believe it. It is plain to the commonest apprehension when stripped of the lies, the sophisms, and the dogmatism of the venal press. The masses have their own newspapers and their unions, where the wrongs done them are made plain as day. Look at the organizations of trampled labor throughout the world! Mark the stern fanaticism with which those who in Europe madly strike at the breasts of kings meet the headsman. They walk, as John Brown walked, to the scaffold, with head erect, self-approving, and defiant. This great wrong, infinitely greater than African slavery, will grow more hideous as the fog in which it strives to veil itself is penetrated by the keen eyes of suffering but discerning men, and relief must be given or the Avenger will come.

This fall of gold prices of labor and property does not indicate the total fall which the United States has suffered. Our prices in 1873 were measured by our paper currency, worth on an average that year but eighty-eight cents on the dollar in gold. Gold was then worth in purchasing power 34.01 per cent. less than in 1878. Hence the difference between our currency prices of 1873 and the gold prices of 1878 is 43.07 per cent.; that is, we have suffered a fall of prices nearly one-third greater than that which is filling England, Germany, and other nations with an industrial distress unparalleled in the last half century.

GOLD RESUMPTION NECESSITATES CONTINUED LOW PRICES.

The country has been assured, during the excitement and distress caused by this contrived fall of prices, that as soon as we reached resumption prices would rise and general prosperity return. Mr. Speaker, we reached resumption two months ago, but do we see even the gray streaks heralding the dawn of returning prosperity? No, sir. The fact is, in our condition of unexampled indebtedness and taxation, *general prosperity and gold resumption cannot coexist.* We must have a rise of prices to restore prosperity. But we must keep gold prices to maintain gold resumption; and gold prices cannot rise for the obvious reason that the production of that metal is still falling off and the demand for it increasing. The German demand to take the place of demonetized silver is not yet supplied. Italy is being led by the Shylocks to early gold resumption; Austria and Russia will, as soon as possible, be made to follow; thus causing a large new demand for gold and further fall of prices. Meantime, as we have as a redemption fund only \$1 in gold for every \$5 of paper, the necessities of resumption will require us to retain our gold product and hoard it in the Treasury or the banks for many years to come, which, as it is a new demand, will have the same effect on prices generally as if half of the present diminished production of gold in the world were cut off. Gold prices, therefore, instead of rising, will, I believe, rather fall throughout the commercial world. We have joined the gold "bund" of Europe, and our prices must be kept on the general level of prices elsewhere or our gold resumption will fail.

We have put our gold in one heap; it is practically all in the Treasury. We have fenced our people from it. They get no redemption for their greenbacks. A man in New York with \$25 in legal-tender notes cannot command gold, because he must present \$50 or upward. A man in Colorado, Texas, Ohio, or Virginia cannot get his greenbacks redeemed, because they are redeemable only at the sub-treasurer's office in New York. The people are given *equalization*, but not *redemption*. Their labor, land, and products are reduced about one-half in value to reach gold prices, but they are not permitted to touch the gold itself. With redemption confined to one counter for all the United States and a cordon of faithful banks to guard the holy treasure from the rude touch of the people, gold resumption is apparently safe from all danger but a *foreign drain*.

Against that danger there is but one safeguard—continued low prices, cheap labor, cheap cotton, cheap breadstuffs. The distresses

of the past five years have reduced at once our purchases of foreign and our consumption of home products, and given us a surplus to be sold abroad at whatever it will bring. If we maintain the present low prices and bear the consequent distress and poverty, our purchases abroad will continue to fall off and our surplus products, unsalable at home, will continue to be shipped abroad, thus giving us a big merchandise balance to meet interest on our foreign debt and expenses of foreign residence, travel, ship-money, and insurance—the aggregate of which demand is certainly not less than \$150,000,000 each year. But let prosperity return to us; let prices of labor and products rise; let our people become able to buy tea, coffee, and other foreign articles as much as formerly; our imports will increase, our exports fall off, the balance of merchandise trade in our favor will fall below the annual drain for interest, travel, ship-money, and insurance, and our little pile of gold in the Treasury will melt and flow abroad like a boy's snow giant under an April sun.

Hence, gold resumption means low prices, and low prices mean continued depression of business, diminished production, lack of employment, and distress to men whose labor or fortunes depend on industrial activity and progress. It means that our vast public, corporate, and private indebtedness and our enormous taxes shall be paid henceforth in values of labor and property shrunk nearly one-half in debt-paying power. Consider, Mr. Speaker, the vast aggregate of debts and taxes now oppressing the people, and tell me whether they can or ought to be paid in land, labor, and products shrunk to one-half their value when the debts were created and the rate of taxation fixed.

EFFECT OF LOW PRICES ON BURDENS OF DEBTS AND TAXES.

Look at the items of our public, corporate, and private indebtedness as given by the best authorities:

National bonded debt, December, 1878.....	\$1,910,881,000
State debts, (Spofford).....	352,866,000
One hundred and twenty-seven cities, (Galaxy, September, 1877).....	644,378,000
Other cities, towns, and counties, (estimated)....	400,000,000
Total public debt.....	\$3,308,125,000
Railroads, (Poor's Manual).....	2,459,000,000
Canals, (United States monetary commission).....	105,000,000
Total debts of railways and canals.....	2,564,000,000
Debts of other private corporations, and of individuals and partnerships, dating back to 1873-75, say.....	4,000,000,000
Total.....	9,872,125,000

The amount of this last item of \$4,000,000,000 can only be roughly guessed at, as there are few statistics on which to base an estimate. It includes, I think, at least half of the mortgages existing in 1875, which have been tided over the fall of prices through the combined influences of appraisal, stay, and bankrupt laws, and the leniency of creditors and the struggles of debtors to avoid ruin by forced sales. It includes also a less, though still a very large, proportion of unsecured debts existing, say in 1875, carried along by the same influences. To give some idea of the extent of individual and partnership indebtedness, the United States monetary commission calls attention to the fact that there were 630,099 traders on the books of Dun, Barlow & Co.'s mercantile agency in 1876, of whom 9,022 failed, with an average liability of \$21,020; and that, if the average who remained sound were equally indebted, the total aggregate of the debts of those firms alone would be \$13,245,000,000. Those who failed were no doubt indebted much more than the average; but, on the other hand, that agency does not contain the names of half the persons who are in debt, nor does it include the individual debts of the partners whose firm liabilities are on its books. After an examination of all the attainable statistics throwing light on the subject, I believe it safe, at a rough estimate, to say that the amount of debts of individuals and firms in the United States and private corporations, other than railway and canal, at any time during 1873-75, aggregated over \$15,000,000,000; and that of this amount as much as four billions of old debts, dating back to 1873-75, are still hanging heavy over the heads of the debtors.

I omit entirely from the account the many thousands of millions of private debts which between 1868 and 1879 have been paid in labor and property reduced enormously in value by the preparations for gold resumption; my object being to show what losses and suffering are yet to come from gold resumption, for they may be averted—not what have already been inflicted, for they are irreparable.

Here, then, we have \$3,308,000,000 of public debts and \$2,564,000,000 of railway and canal debts and \$4,000,000,000 of old debts of private corporations, partnerships, and individuals, making a grand aggregate of \$9,872,000,000, contracted when gold and currency prices ranged on an average as high as in 1873, which must be paid in land, labor, and commodities at these shrunken gold values.

At least two-thirds of these debts were payable in currency. As \$56.30 in gold now buys as much of commodities as \$100 in currency bought in 1873, it follows that therise in the purchasing power of the money with which those greenback debts are to be paid, as measured by commodities, is 77.6 per cent. This fall in the gold prices of commodities is due in part to cheapened production from new labor-saving machinery, a fair allowance for which would reduce the rise in the purchasing power of gold as measured by them to say 66½ per cent. As measured by labor the rise is nearly as great. The commissioner of labor statistics of Ohio estimates the average cur-

rency price of day labor in Ohio in 1873 at \$1.50, and the average now at ninety cents. Hence, if measured by common labor the rise in the purchasing power of gold is 66½ per cent. If measured by real estate the rise is on an average fully 75 per cent., as will be attested by the common experience of men almost everywhere in the United States. Calling the average rise in the purchasing power of gold as measured by prices of land, labor, and commodities 66½ per cent., compared with the currency prices of 1873, and treating two-thirds of the aggregate of \$9,872,000,000 of debts as currency debts, then it will take \$4,387,000,000 more of land, labor, and products at present prices to discharge these currency debts than it would have taken but for this contrived rise in the purchasing power of money or fall in the selling prices of land, labor, and products.

The burden of the other third of those debts, which were coin debts, was only increased to the extent of the rise in the purchasing power of gold. I have shown that \$100 in gold in 1873 bought only as much of commodities as \$65.90 bought in 1878. That is, the rise of gold prices from 1873 to 1878, as measured by commodities, is 51.70 per cent. If we average the rise in the purchasing power of gold over land, labor and commodities at 45 per cent., then this contrived change of prices since 1873 has added 45 per cent. to the \$3,290,000,000 of our coin debts, or \$1,470,000,000.

Adding together the increased burden of the currency and the coin debts through the ingenious device of gold resumption, and we see that we shall have to pay \$5,857,000,000 more in land, labor, and commodities to discharge that grand aggregate of public and private debts than it would have cost us if we had not joined the gold band and beaten down our prices to the gold level.

But this exhibit does not show the whole of the mischief. I have left out of account taxes, national and local, which Commissioner Wells, in 1869, put at an aggregate of seven hundred and fifty millions annually. They have certainly not diminished since then, nor can they be greatly diminished. Measured by the average values now as compared with currency values of 1873, it takes \$500,000,000 more of land, labor, and products at the present prices to pay our annual taxes now than it took in 1873.

Our embarrassed industries cannot rise under this intolerable burden of increased debt and taxation. The ass in the fable, fallen under his load, was beaten in vain, and at last his master was compelled to lighten the load. If as a people we had been comparatively free from debt and lightly taxed, this great fall of values would have inflicted vast losses through stoppage of industries, want of employment, and unprosperous business; but when the bottom *was* reached we might have expected a prompt and steady return of prosperity. But such return is forbidden not only by the enormous increase of the burden of our unparalleled indebtedness and taxation, but also by the fact that the new demands for gold in the United States and the chief nations of Europe, through gold resumption and silver demoneization, and the steady decline of gold production, show that gold values are still falling throughout the world. Hence we can only maintain gold resumption by accepting a still further fall of values, which necessarily involves continued business depression and disaster. So that we have not only doubled the burdens on our struggling industries, but are driving them on into a still deeper mire of stagnation.

THE REMEDY.

What is the remedy? I answer—abandon gold resumption—pay out the coin hoarded in the Treasury in extinguishment of the bonded debt—reissue the greenbacks heretofore withdrawn from circulation and make them all receivable for customs—throw open the mints to the unlimited coinage of the old silver dollar, and issue certificates for silver coin or bullion as we now authorize their issue for gold. Prices will at once rise to at least the silver level, which is about 25 per cent. higher than the gold level. They may not rise high enough to do full justice to debtors and tax-payers, but enough to set all the wheels of industry in motion and reanimate the stagnant energies of our people. Then, by stopping all increase of the bonded debt, by taxing large incomes, and by substituting greenbacks for bank-notes, and saving twelve to fifteen millions a year in subsidies to national banks, we will rescue the masses from the hardships and degradation which yet await them under the present rascally system of finance.

CONCLUSION.

My colleague [Mr. GARFIELD] talks as if he had the whole American people at his back in demanding that we shall no longer question the wisdom of the resumption scheme, or in any way restrict the imperial powers conferred by it on the Secretary of the Treasury. Let me remind that gentleman that the elections last fall show that his party has lost the confidence of the people of the great Northwest precisely because of its resumption scheme, and is now in a minority in thirty-two of the thirty-eight States of the Republic. It has to-day no rational expectation of renewed life except in the divisions of the opposition—divisions due only to the fact that national-bank men have control of the democratic organization in some of the Eastern States, and attempt to prevent the party in the West and South from espousing the cause of the people and consolidating a triumphant and overwhelming opposition under the flag of Jeffersonian democracy.

The gentleman from Ohio [Mr. GARFIELD] sneers at my alleged false prophecies as to the evil effects of resumption. Sir, I publicly discussed this law at its birth in 1875, and repeatedly since. I stand by the chief objections I have always made to it, and ask no more

weight for my present opinions as to the future effect of the law than my early prophecies, judged by results already apparent, entitle me to. I would rejoice from the bottom of my heart if all my predictions of evil had already proven false, and if gold resumption had demonstrated itself to be an unmixed blessing instead of a horrible curse to the people. My fortunes, and those of my friends and constituents, are bound up with the productive industries of the country, which are the foundation of its power, grandeur, and beneficence. Whatever will best promote the general good will gladden my heart for myself and for those I love and serve. And I am happy to believe that even so far as any political ambitions I may have are concerned, their hope of realization depends, not on the display of a nice perception of the effect of the finance measures of the republican party on the complex problems of our industrial and social life, but rather on the fact that I sincerely desire to serve the whole people, and that I have the courage of my convictions.

Gentlemen appeal to us not to stand in the way of the splendid achievements of gold resumption. Sir, it is because of its achievements I do oppose and execrate it. It is achieving a total change in our industrial life—the upbuilding of vast industries controlled by giant corporations and millionaires in place of thousands of smaller industries controlled by men of enterprise but not of fortune—the degradation of millions of self-dependent business men and of prosperous and rising wage-men into a condition of servile dependence and poverty, while aggregated wealth, usurping absolute control of our manufacturing and commercial interests, is teaching us, as it has taught the masses in Great Britain—

How wide the span
Between a splendid and a happy land.

Sir, I long for no such splendor or prosperity; and therefore I resist, with all the obstinacy of my Scotch-Irish blood, this foul scheme to sweep the fortunes of the millions into the laps of the few. I want the burdens of debt paid in values of labor and property just to debtor and creditor. I want the burden of taxation lightened in the only way possible—by a rise of the prices of commodities which must be sold to pay taxes. I want no communism—no robbery of the few by the many; but still less do I want that which is far worse—the robbery of the many by the few.

The money kings of New York and London and Hamburg, and their legions of mercenaries, may shout themselves hoarse against this agitation, but it will go on in contempt of their sophisms, abuse, and threats until an honest settlement shall be accomplished. Whatever needs to be done to effect it *will* be done. A free and intelligent people will not submit to wholesale robbery or degradation. A hired press may obscure the issues; party henchmen may ignore them; money may buy votes of robbed and starving Esaus; but all this will only postpone a settlement of the greatest political and social question of our day. Welcome, agitation! It is the extirpator of abuses. Let it go on until the people, aroused to the magnitude of the issue, will so legislate as to discharge their present burdens in labor and property at just values, and until they establish a permanent national system of currency which will not subordinate our vast home industries to our comparatively petty foreign trade, but which, from its sufficiency and stability, will henceforth give equitable and steady values to labor and property, and justly distribute the proceeds of industry between wealth producer and wealth mortgagee, debt payer and debt holder.

Believing this gold-resumption scheme is the great obstacle to such a settlement, I will continue to oppose it, in the name of Honesty, which demands that public and private debts shall be paid in labor and property unchanged in value by the act of the Government; in the name of Humanity, which revolts at the terrible suffering inflicted on vast numbers of once thrifty and happy people robbed by it of employment and fair pay, and plunged in the miseries of poverty and despair; in the name of Liberty, which cannot dwell long in a land where the Government becomes the tool of a money aristocracy to rob and degrade the masses.

Agriculture is the "Basis of all Industries and the Primary Source of all Wealth"—
The producing element must have a voice in Government equal to the consuming.

SPEECH OF HON. A. W. CUTLER,

OF NEW JERSEY,

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 3, 1879,

On the bill (H. R. No. 105) declaring the Department of Agriculture one of the Executive Departments.

Mr. CUTLER. Mr. Speaker, on the 10th day of January, 1876, I had the honor of introducing into this House the following bill:

A bill declaring the Department of Agriculture one of the Executive Departments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Department of Agriculture shall be included in the Executive Departments; and that the provisions of title 4 of the Revised Statutes shall apply to the Department of Agriculture; and the word Department when used alone in title 12 of the Revised Statutes shall mean one of the Executive

Departments, as fully as though the name had been mentioned in section 158 of the Revised Statutes.

SEC. 2. That so much of section 521 in title 12 as fixes the salary of the Commissioner of Agriculture be, and the same is hereby, repealed.

Which was referred to the Committee on Agriculture; and although it has attracted the attention of and excited discussion among the people, and the press of the country with great unanimity has favored its passage, yet the committee made no report, favorable or otherwise.

In the early part of the Forty-fifth Congress I introduced the same bill, and it has been reported back to the House with a favorable recommendation, and by unanimous vote of the committee, that the Department of Agriculture should be an Executive Department. Agriculture is the "basis of all industries and the primary source of all wealth," and Adam Smith truly said:

Wealth arising from the solid improvements of agriculture is most durable. No equal capital puts into motion a greater quantity of productive labor than that of the farmer. Not only his servants, but his cattle, become producers. Nature, too, labors along with man. Her work remains as a gain after deducting everything which can be regarded as the work of man.

We are the "land of plenty for a great people," and the Journal des Débats says:

The United States are still the promised land for agriculturists. If a European artisan would commit an act of folly to go and seek fortune there, where only misery awaits him, rural laborers may go there with almost the certainty of acquiring ease. In those vast regions, an agricultural population of two hundred million might be planted, and they could live with ease.

It is a question that affects so many of our people, involves an interest of such magnitude and vast proportions, an interest coextensive with the whole country, an interest that is the "source of all wealth, power, and prosperity," an old writer many years ago said that "the main producing forces of a country are man and the land; bring them together and you develop an all-sufficing, superabounding plenty." And yet this great producing interest, representing more than 50 per cent. of our whole population, is comparatively ignored by the Government; and, if recognized at all, yet in a manner unworthy of the Government and unworthy of the interest.

It is not my purpose here to present any eulogium upon agriculture. She needs none. The past, from the Garden of Eden until now, presents but one continued and unbroken argument in favor of its high calling and ennobling character. It has been favored of God; it has been the pursuit of kings; and in every age and in every country, when governments became corrupt, officials prostituted their offices, and the people were oppressed, downtrodden, and overcome, they have sought relief of, and procured assistance from, the practical agriculturists; and from this department they have secured honesty, patriotism, courage, intelligence, and virtue. Poets have sung the praises of the farm and the farmer from the dawn of creation until the present; and the most illustrious of ancient and modern times who have made their impress upon the times and the country, either in legislation, government, or war, have been those selected from agricultural pursuits.

This bill simply seeks to place the producing element of the country upon an equal footing with the consuming element, and give to it a voice in government equally potential with all the other Departments, thus dignifying labor and elevating agriculture, the noblest of all pursuits, to its proper and appropriate place in the Government.

Look up to the beautiful ceiling that overhangs this magnificent Hall. Examine with care the coats-of-arms of the respective States, reflecting the painter's skill in the mellow light of this most beautiful sky, and trace in their beauty the distinctive marks of agriculture. There is the plow; there the horse; there the wheaten sheaf, and all the insignia and emblems of agriculture, indicative of the wealth of the State and the virtue of her people. What a silent tribute! What an eloquent appeal to this most noble pursuit! What an acknowledgment that agriculture is the source of all wealth, and that through it alone can the State become prosperous! And as each State enters into the Union she adopts a coat-of-arms as the emblem of her sovereignty, and agriculture is represented upon all.

But this bill seeks to give to agriculture a prominence in government that she has never enjoyed—a recognition that Government accords to other departments. I therefore propose to show the reasons and circumstances under which the other Departments were created and organized.

After the adoption of the Federal Constitution it was thought advisable that the President should have advisers, with whom he could consult—men of his own selection who should constitute his immediate political family—and who should conduct the business of their Departments in such manner as the President should direct.

The first apparent necessity was the Secretary of State, who should have the management of foreign affairs. As a nation we were young, we desired to cultivate the friendship of foreign nations, and the Department of State was created July 27, 1789.

Next in order was the Department of War, having the management of military affairs, created August 7, 1789.

Next the Department of the Treasury, having charge of the public accounts, created September 2, 1789.

Next the Department of Justice, requiring opinions of the Attorney-General upon all questions of law affecting the Departments, and the execution of the laws of the United States, created September 24, 1789.

Next the Post-Office Department, having in charge the postal service of the Government, created May 8, 1794.

Next the Department of the Navy, having in charge the Navy of the United States, created April 30, 1798.

Next the Department of the Interior, having charge of the General Land Office, Indian affairs, pension, Patent Office, public documents, census, and education; created March 3, 1849.

The statement shows that the different Departments were created and organized at different times as the exigencies of the case required and the public service demanded.

Prior to 1862 the agricultural interests of the country, by a most singular kind of reasoning, were placed under the charge of the Patent Office, and to the Commissioner of Patents was intrusted agriculture. What relation each bore to the other was an enigma which has never been solved; but on the 15th day of May, 1862, the Bureau of Agriculture was created, and agriculture thus secured a divorce from patents and was reorganized as an interest independent in itself requiring and demanding a separate department and existence.

The Department of Agriculture was created, with an officer at its head denominated a Commissioner, with power to appoint a chief clerk, who, in the absence of the Commissioner, shall perform the duties of Commissioner, and shall, as Congress may from time to time provide, employ other persons, including chemists, botanists, entomologists, and other persons skilled in the natural sciences pertaining to agriculture, and his duties as prescribed are as follows:

Shall procure and preserve all information concerning agriculture which he can obtain by means of books and correspondence and practical and scientific experiments. Accurate results of the experiments shall be kept in his office by the collection of statistics and by any other appropriate means within his power. He shall collect new and valuable seeds and plants, shall test by cultivation the value of such of them as may require such tests, shall propagate such as may be worthy of propagation, and shall distribute them among agriculturists. It is further provided, That the Commissioner shall give bonds in the sum of \$10,000 to render a true and faithful account to the Treasurer of the moneys that he expends.

Yet the Secretaries of War, Navy, Interior, and Treasury, with the expenditure of millions of dollars, give no bond, but the Department of Agriculture, with the opportunity of disbursing \$75,000 in the purchase and distribution of seeds, is required to give bond.

We appropriate "millions upon millions" every year toward maintaining the other Departments, to wit, Army, Navy, &c., so that it has become common to say of these appropriations "there are millions in it," but never has an adequate appropriation been made for agriculture. And when appropriations are asked, either for purchase of seeds, examination of diseases of animals, examination of cotton worms, grasshopper or potato bug, or the thousand and one insects destroying grain, trees, and fruit, the estimates are always cut down, and the efficiency of the Department, its chemists, entomologists, botanists, and microscopists is impaired for the want of sufficient means to make them effective.

The following appropriations for the years named will be sufficient to illustrate the difference in the amounts appropriated for the various Departments of the General Government:

Departments.	1877.	1878.	1879.
Department of State.....	\$1,377,428 43	\$1,353,807 50	\$7,134,325 64
Treasury Department.....	163,015,647 68	139,222,392 61	167,122,213 75
War Department.....	39,251,271 81	4,245,628 00	68,263,792 48
Navy Department.....	13,115,176 55	13,745,422 90	20,684,492 83
Interior Department.....	37,673,054 12	36,674,573 32	38,245,551 74
Post-Office Department.....	6,422,283 49	3,469,045 00	7,295,389 98
Department of Justice.....	3,364,343 31	3,424,950 00	3,918,913 94
Department of Agriculture.....	174,686 96	188,640 00	204,900 00

Mr. Speaker, imagine the world in the most prosperous condition possible; every mine worked to its fullest capacity; every factory vocal with the music of the voice of industry and the hum of machinery; every furnace and forge glowing with fire; every manufactory filled with skilled artisans; every wheel driven to its greatest velocity; every hammer beating in response to the demand for more machinery; every shuttle and spindle moving with the quickest celerity; everywhere labor in demand and receiving its just and proper reward; every sea whitened with the sail of commerce and every river and lake covered with vessels freighted with the products of the soil, the minerals of the earth, and the handiwork of man, and the world would present an unexampled spectacle of happiness, prosperity, and wealth.

And while the world is in this condition let but God in his infinite wisdom blight the labor of the farmer, withhold the rain; let his curse fall upon the land and render it sterile and barren and not allow the earth to produce of her abundance and refuse but for a single year to yield either of grass, grain, or fruit, and every mine will be closed, every factory will stop, the fires of every furnace and forge will be extinguished, the skilled artisan will desert his manufactory, wheels will cease to revolve, hammers remain idle, shuttles and spindles will lie without motion, labor be despondent and crying for bread, the sail of every ship will be furled, vessels be tied up to and rotting at the wharves, the hum of industry will cease, despair usurp the place of hope, and death will stalk over the land with none to oppose, and the most vivid imagination would fail to depict the scene of horror, wretchedness, suffering, and death that would follow and ensue, because of the blight that would fall upon agriculture, and no relief can come until the labor of the husbandman is rewarded and the earth gives forth of her abundance again.

As I have stated, every State has some emblem of agriculture engraved on its escutcheon, and recognizes it as a source of wealth; and every President has taken occasion to remind Congress of the necessity of legislation to advance agriculture, and has recommended its wants and requirements to their attention.

But it is a lamentable fact that while the agricultural interests of the country are the preponderating interest, more than 50 per cent. of the population engaged in agricultural pursuits, and while they now have and have had for years the power to control legislation, and while public men in pursuit of office and position have bestowed upon the farmer and upon agriculture the most fulsome praise, and promised to secure needed legislation and recognition, yet most generally when they have secured the prize and the honor by reason of the suffrages of that class, they are generally found with those—

That keep the word of promise to the ear,
And break it to the heart.

I might quote Washington and all the Presidents who urged legislation in behalf of agriculture and recommended it to the favorable consideration of Congress; but President Taylor I think was the first who recommended the organization of a distinct bureau or department, and used the following language:

No direct aid has been given by the General Government to the improvement of agriculture except by the expenditure of small sums for the collection and publication of agricultural statistics, and for some chemical analyses, which have been thus far paid out of the patent fund. This aid is, in my opinion, wholly inadequate. To give to this leading branch of American industry the encouragement which it merits I respectfully recommend the establishment of an agricultural bureau, to be connected with the Department of the Interior. To elevate the social condition of the agriculturist, to increase his prosperity, and to extend his means of usefulness to his country by multiplying his sources of information, should be the study of every statesman and a primary object with every legislator.

President Lincoln in his inaugural, and always practical in his views and suggestions, says:

Agriculture, infinitely the largest interest in the nation, has not a department nor a bureau, but a clerkship assigned to it in the Government. While it is fortunate that this great interest is so independent in its nature as not to have demanded or extorted more from the Government, I respectfully ask Congress whether something more cannot be given voluntarily with general advantage. While I make no suggestions as to details, I venture an opinion that an agricultural and statistical bureau might be organized.

The Secretary of the Interior in the same year, in his report recommending the establishment of a separate bureau, says:

While we expend vast sums for experiments in gunnery, the promotion of science in illustrating the physical features of unpeopled territory at home, and regions beyond the seas, and publish costly volumes of undigested correspondence relating to foreign trade, it is a source of pain to every statesman and political economist that it is only once in ten years that the country is supplied with reliable returns respecting the value of our agriculture and manufactures, while altogether ignorant of our internal commerce, and possess no means of ascertaining its importance.

All enlightened foreign governments and several of the States sustain statistical bureaus, while the United States, second to no other in intelligence, with productions and resources the most varied, have yet to institute an agency which would prove an invaluable guardian of our most material interests. The want of such a bureau has long been felt, and has been frequently brought to the notice of Congress; but at no period has the necessity been so universally recognized as at the present.

The result was that the leading, the most valuable and engrossing pursuit of the country was transferred from the control of the Commissioner of Patents, an officer who had no affinity for or connection with agriculture, and an alliance that was unnatural became dissolved.

The creation of the Department of Agriculture transferred the agricultural interest from the Patent Office, where it was simply tolerated, and consequently measurably buried, (for there was nothing in common or in harmony with agriculture and patents,) and dignified the office of the clerk with the title of Commissioner and gave him the charge of a bureau, with but little honor, less influence, and without a voice in government—the great controlling interest of the country compelled still to occupy a secondary and subordinate position; the producing element of the country still holding an inferior position to the consuming.

Why should this be? Why should not agriculture have a voice in government, be recognized in the councils of the nation, be dignified to a position in the Cabinet, and its representative become an adviser and a power in the Government, and thus receive from the Government that recognition, position, and influence which it, as the wealth of the nation, the producing power, and representing the large majority of the people, is entitled to, for agriculture is represented in every section in our common country and in all localities. Removed by reason of its universality and independence from political combinations, it is totally unlike commerce, mining, and manufactures. They are local in their character, confined to certain limits, with a power of centralization, which wealth in the hands of a few can always combine and can impress its power upon the legislation of the country whenever it sees proper, occasion demands, or interest incites, while agriculture, because of its extent, its universality, its numbers, unwilling to centralize, has been powerless in legislation. It has been truthfully said—

That New York and Lowell have often more immediate influence in directing and molding national legislation than all the farming interests in the country.

The necessity for and the benefit resulting from the recognition of

agriculture by government in the old and powerful nations of the world is shown by the action of England, France, Germany, Russia, and the other continental countries where population is pressing upon the means of subsistence; where governments, in legislating for the prosperity of the people, are devoting material aid and assistance in experimenting upon the means of increased production in the elements that serve to sustain life and add wealth to the nation, as well as in experimenting in guns, gunnery, ammunition, and other means used in taking life and destroying property.

England, with her limited amount of cultivated land, with her population more than doubled since her arable land has been under cultivation, is importing no more breadstuffs in proportion to her population than before, for the reason that the improved mode of the culture of her soil, resulting from scientific experiments carried on with the aid of the government and by the advice and suggestions received from the department of agriculture, has added largely to the productions of the soil, and the same quantity of cultivated land is yielding large increase of products with but slight additional expense, thus adding largely to the maintenance of the people, to the profit of the agriculturist, to the power of the government, and to the wealth of the nation.

Every government in Europe has an agricultural department connected with it. Agriculture is encouraged, fostered, protected, aided, and assisted by the government. A department in the government is awarded to it; it is honored.

France has a minister of commerce and agriculture. The collection of statistics, agricultural colleges, veterinary colleges, experimental farms, mechanical museums, schools, roads, drainage, horse-breeding, chemistry, the necessary supply of food for the people, an experimental implement factory, and a hundred other things are under his control; and the expenses of these various institutions are defrayed by the state. The republic is divided into districts, each of which has an agricultural inspector, whose duty it is to keep the government well informed respecting its agricultural condition and wants, and to concentrate and use advanced agricultural information and improvements applicable to that particular section in developing its agricultural capabilities to the utmost.

The German Empire has a state board of agriculture, with a minister of agriculture for its official head. Russia has a department of agriculture and agronomic industry, presided over by a director of agriculture. Austria has a minister of agriculture; Italy a minister of agriculture and commerce; Brazil a minister of agriculture and public works; Canada a minister of agriculture.

From reliable sources we learn there was expended for the year 1877 by some of the governments of Europe in aid of agriculture the following sums:

Austria and Hungary	£1,099,025, or	\$5,495,125
France, for agriculture and commerce	110,672,050 francs, or	20,534,410
Prussia	10,459,343 marks, or	2,612,340
Italy, for agriculture and commerce	10,863,981 livres, or	2,715,995
Russia, for agriculture and public lands	18,434,912 rubles, or	14,826,184
Great Britain	£159,118, or	795,596
Sweden		651,737
United States		174,686

Japan, also, that country that is attracting so much of our attention and toward which our sympathies have gone out to such an extent in latter years; that country so anxious to take her place among the nations of the world, so desirous of having American views, ideas, and systems impressed upon her; that nation that has just officially recognized the Christian Sabbath and by law secured its observance, placing her educational system under the control of an American, the talented and accomplished Murray, who now is and for years has influenced, directed, and controlled their educational system, and is molding that interesting and remarkable people to the adoption of American views and American systems both as regards education, religion, and government—she, too, as a government, has encouraged agriculture—and sought instruction and advice from an experienced and practical American agriculturist, Mr. Capron, the Ex-Commissioner of Agriculture, who for years resided in that country giving practical lessons in agriculture and introducing American views and systems of agriculture upon them, introducing American machinery—and what a field is being opened up in that remarkable country for machinery and increasing our commercial relations—extending our commerce and introducing our new and improved machinery.

And there is Brazil, brought more particularly to our notice and in closer relations with us by reason of the recent tour of her enlightened and distinguished emperor through this country, who devoted his whole time to the acquisition of knowledge, and thus was enabled to practically put into operation and use the facts and knowledge that he gathered and acquired here. I know this House will indulge me if I give more than a passing notice to this interesting country, a country to which we are devoting so much attention, endeavoring to cultivate closer and nearer commercial relations, a people with whom we sympathize, for they are making rapid strides to supremacy among the nations of the earth, under the lead of her excellent emperor. She recognizes the value of agriculture, for she has a minister of agriculture and public works.

Brazil is an immense country, and, if we consider her resources, a

powerful one. Embracing an area of three million square miles, and with a diversified soil and climate, a grand future lies before it, notwithstanding its rank and its aspirations as an empire. Brazil was first settled in the year 1500, and, retarded by the incubus of slavery for over three hundred and fifty years, made but indifferent progress in the family of nations. In the past twenty years, under the liberal and enlightened policy of her present Emperor, however, a new spirit has been infused into her public men—a new era has dawned upon this mighty empire of the northern hemisphere, this parcel of our own continent. Recognizing the importance of agriculture, its worth to the nation, its benefit to the individual, it was given an official head under the government, and agricultural institutes were established at Rio de Janeiro, Bahia, Sergipe, San Pedro, Rio Grande do Sul, and Pernambuco. These institutes are fostered and cared for by the government, and the pupils are, under competent teachers, taught everything in connection with agricultural matters.

A model farm has been created contiguous to the botanical gardens in the suburbs of Rio de Janeiro, upon which workshops have been erected and agricultural implements adapted to the soil of Brazil manufactured. The institutes promote the culture on an extensive scale of textile plants lately discovered in the forests of Rio de Janeiro and elsewhere, which afford fibers whose excellence has been recognized everywhere. Brazil has also a garden of acclimatization, from which much will be learned and doubtless to her benefit. An agricultural asylum has also been created by that government into which destitute children are received, who are taught daily lessons in agriculture practically and theoretically, and at the same time their religious and intellectual training is cultivated. Thus it will be seen that Brazil lacks neither sagacity nor intelligence, but while she is energetically laboring to cultivate her land also trains the mind, believing that intelligence, honesty, frugality, and industry are necessary toward the maintenance and perpetuity of a nation.

I have thus hastily glanced at the prominence given to this industry by the governments of the world, in order "that we may go and do likewise," and simply follow (when we ought to lead) the paths that other nations have adopted and are pursuing with such success and marked results.

The following statistical table shows the rapid increase of wealth of the agricultural interest and productions of our soil. It is a matter of regret that we have no tables or statistics prior to 1850:

Agriculture in the United States—Abstract of Census Reports.

	1850.	1860.	1870.
Area of farm lands improved...	113,032,614	163,110,720	188,921,099
Area of farm lands unimproved	180,528,000	244,101,818	259,310,177
Cash value of farms	\$3,271,574,426	\$6,645,045,007	\$9,202,803,861
Cash value of farming implements, &c.	\$151,587,683	\$246,118,141	\$336,878,429
Total wages (including board) paid during the year			\$310,286,285
Value of farm productions, including betterments and additions to State.			\$2,447,538,658
Orchard products	\$7,723,186	\$19,991,885	\$47,335,189
Products of market gardens	\$5,280,030	\$16,159,498	\$20,719,229
Forest products			\$36,808,277
Value of home manufactures	\$27,493,644	\$24,546,876	\$23,423,332
Value of animals slaughtered	\$111,703,142	\$213,618,692	\$398,956,376
Value of live stock	\$544,180,516	\$1,089,329,915	\$1,525,276,457
Horses.....number	4,336,719	6,249,174	7,145,370
Mules and asses.....number	559,331	1,151,148	1,125,415
Milk-cows.....number	6,385,094	8,858,735	8,935,332
Oxen.....number	1,700,744	2,254,911	1,319,271
Other cattle.....number	9,693,069	14,779,373	13,566,005
Sheep.....number	21,723,220	32,471,275	28,477,951
Swine.....number	30,354,213	33,512,867	25,134,569
Wheat crops of preceding year.....bushels	100,485,944	173,104,924	227,745,626
Rye.....bushels	14,188,813	21,101,380	16,918,795
Corn.....bushels	592,071,104	838,792,742	760,944,549
Oats.....bushels	146,584,179	172,643,185	282,107,157

* Woodland. † Other.

; Spring wheat, 112,745,626 bushels; winter wheat, 175,195,893 bushels.

	1850.	1860.	1870.
Barley.....bushels	5,167,015	15,825,898	29,761,305
Buckwheat.....bushels	8,956,912	17,571,818	9,821,721
Rice.....pounds	215,313,497	187,167,032	73,635,021
Tobacco.....pounds	199,792,655	434,200,461	262,735,341
Cotton.....bales	2,469,093	5,387,052	3,011,996
Wool.....pounds	52,516,969	60,264,913	100,102,387
Pease and beans.....bushels	9,219,901	15,061,905	5,746,027
Potatoes.....bushels	65,797,826	111,148,167	143,337,473
Sweet potatoes.....bushels	38,268,148	42,095,026	21,709,824
Wine.....gallons	231,249	1,627,192	3,092,330
Butter.....pounds	313,345,306	459,681,372	514,092,683
Cheese.....pounds	105,535,893	103,663,927	53,492,153
Milk sold.....gallons			235,500,599
Hay.....tons	13,838,642	19,083,896	27,316,048
Clover-seed.....bushels	468,978	956,188	637,657
Grass-seed.....bushels	416,831	900,040	583,188
Hops.....pounds	3,497,029	10,991,996	25,456,669
Hemp.....tons	34,871	74,493	12,746

Agriculture in the United States—Continued.

	1850.	1860.	1870.
Flax.....pounds	7,709,676	4,730,145	27,133,034
Flaxseed.....bushels	562,312	566,867	1,730,444
Silk cocoons.....pounds	10,843	11,944	3,937
Cane sugar.....hogsheads	247,577	230,982	87,643
Sorghum sugar.....hogsheads			24
Maple sugar.....pounds	34,253,436	40,120,205	28,443,645
Cane molasses.....gallons		all kinds, 14,963,996	6,593,323
Sorghum molasses.....gallons	12,700,896		16,050,009
Maple molasses.....gallons		1,597,589	921,057

And in order to show the astounding increase both in 1877 and 1878 I append the following table:

Total number of acres and bushels of the cereal crops of the United States.

Products.	1877.		1878.	
	Acres.	Bushels.	Acres.	Bushels.
Indian corn.....	50,369,113	1,342,558,000	51,008,000	1,371,000,000
Wheat.....	26,277,546	364,194,146	32,208,000	422,000,000
Rye.....	1,412,902	21,170,100	1,621,000	25,800,000
Oats.....	12,826,148	406,394,000	13,176,000	411,855,000
Barley.....	1,614,654	34,441,400	1,790,000	42,000,000
Buckwheat.....	649,923	10,177,000	673,000	12,247,000
Total.....	93,150,286	2,178,934,646	100,476,000	2,264,902,000

The following table presents the number of persons engaged in the different occupations in the United States at the last enumerations:

Population.	1870, (census.)		1878.	
	Number.	Per cent.	Number.	Per cent.
Total over ten years.....	28,228,945		34,000,000	
Males in all occupations.....	12,505,923		15,000,000	
Agriculture.....	5,922,471	47.35	7,600,000	50.66
Manufacturing and mining.....	2,707,421	21.65	2,900,000	19.33
Professional and personal.....	2,684,793	21.47	3,000,000	20.00
Trade, commerce, and transportation.....	1,191,238	9.52	1,500,000	10.00

An official statement of the Treasury Department, dated January 1, 1879, shows that—

The imports for the twelve months ending November 30, 1877, were... \$482,292,984
And for the twelve months ending November 30, 1878, were... 430,671,998

Decrease of imports..... 51,630,986

The exports for the twelve months ending November 30, 1878, were... 739,971,739
And for the twelve months ending November 30, 1877, were... 623,016,613

Increase of exports..... 116,955,126

The exports for the twelve months ending November 30, 1878..... 739,971,739
The imports for the same period..... 430,671,998

Exports over imports..... 309,309,741

For the year 1878 our exports from agriculture alone reached the enormous sum of..... 536,038,951

While our entire exports from all sources, including agriculture, for 1878, amount to..... 695,749,930

Total exports, less agriculture..... 159,710,979

The following table gives some of the principal items, showing the increase of exports of 1878 over the year 1877:

Increase in horned cattle.....	\$2,303,708
Increase in barley.....	1,857,000
Increase in corn.....	6,409,000
Increase in wheat and flour.....	53,164,000
Increase in cotton.....	8,381,000
Increase in bacon.....	2,237,000
Increase in cheese.....	1,402,000
Increase in lard.....	4,451,000
Increase in preserved meats.....	1,160,000

But we must not forget our rapidly increasing population, and that but a short time will elapse before our virgin soil, once believed to be inexhaustible, will lose her power of production, and that careful and scientific husbandry is now being required to make good her average yield. We must remember that there is a limit to our arable land, and that the area is rapidly diminishing. We must remember that beyond the one hundredth parallel there is a broad belt of country upon which there is no rain-fall, and its productiveness will depend upon irrigation. And while remembering that there is a limit to our arable land, we must not forget that there is no limit to our population. Our virgin soils upon which we are depending will exhaust themselves, and to support our increasing population they must be restored to their original fertility.

Agriculture must be recognized that our country may be able to compete with foreign governments, and thus become and remain

great, powerful, and respected; able at once to defend her honor when attacked and punish the offender who offers the insult. But it will cease to be great, powerful, and respected when agriculture ceases to be honored and labor respected, and that occurs when Government refuses it its recognition.

Nations fall and decay when agriculture is neglected; and, as has been truly said—

The outlines of the rise and decay of the Roman Empire could have been written on the fields which environed the capital as well as in her libraries and historical records.

The necessity of the organization of the Department was exceedingly well put by the Commissioner of the Interior in 1862. The same arguments to an equal if not greater extent are still applicable; the countless myriads of insects, with and without wings, in addition to the thousand and one different kinds of enemies that nature is sending forth every year to blight the prospects and hopes of the husbandman and destroy the fruits of the orchard are to be counteracted and overcome. Their habits must be examined into and ascertained, their immigration prevented, and their destruction assured.

As civilization advances westward new fields opened and new regions developed, new insect life is engendered, and the entire destruction of vegetable life has followed in the path of the grasshopper and the locust, and the potato crop has been destroyed in large sections of the country, and the habits of these insects until lately have been unknown; and I gladly quote from the speech of the chairman of the Senate Committee on Agriculture [Mr. PADDOCK] but recently delivered in the other end of the Capitol:

Take the case of injurious insects alone; (not to speak of domestic pests, nor of those that prey upon our timber and cause ships to sink and buildings to fall,) the damage inflicted on our agriculture by species that destroy our crops is perfectly appalling to him who, never having given the subject careful attention, enters for the first time upon its investigation. Horace Greeley, in *What I Know About Farming*, wrote:

"If I were to estimate the average loss per annum to the farmers of this country from insects at \$100,000,000 I should doubtless be far below the mark. The loss of fruit alone by the devastations of insects, within a radius of fifty miles of this city, must amount in value to millions. In my neighborhood the peach once flourished, but flourishes no more, and cherries have been all but annihilated. Apples were till lately our most profitable, and perhaps our most important, product; but the worms have taken half our average crop, and sadly damaged what they do not utterly destroy. Plums we have ceased to grow or expect; our pears are generally stung, and often blighted; even the currant has at last its fruit-destroying worm. We must fight our paltry adversaries more efficiently, or allow them to drive us wholly from the field."

Mr. President, the cotton-worm in 1874 cost the cotton-growing States \$20,000,000 in a single week. The Colorado potato-beetle almost vetoed the growing of potatoes in some of the Western States, until we learned how to successfully manage it. The chinch-bug every few years saps the life of our small grains and leaves them as chaff in the hands of the harvester. Its ravages in 1871 cost the farmers of the Northwestern States, at the lowest estimate, \$30,000,000, and in 1874 double that sum would not have covered the loss sustained therefrom in the same Territory. In 1874 the report of the State entomologist of Missouri shows that that State alone suffered a loss of more than \$19,000,000 from the depredations of this insect. Hessian flies often ruin our wheat-fields over immense areas; and \$200,000,000 would not cover the country's direct and indirect loss from the Rocky Mountain locust plague in 1873, 1874 and 1875, to say nothing of the suffering it entailed upon the brave pioneers of the extreme West. The small grains and cultivated grasses every few years suffer terribly from the well-known army-worm. The fruit-grower is beset on all sides with insect pests that diminish the profits of his business and not infrequently oblige him to abandon it. And so the catalogue of insects injurious to agriculture might be lengthened indefinitely. Professor Riley, whose great services in economic entomology the West acknowledges and well remembers, the present able entomologist of the Agricultural Department, estimates that \$300,000,000 would not cover the loss that has been sometimes sustained by the United States in a single year from insects injurious to agriculture; and if we should add to the loss sustained from insects that suffered from fungi and other kindred diseases, very imperfectly understood, the amount even if approximately stated, would astonish the country.

Whole tracts of country have been laid waste, starvation and death have followed in the wake of these insects, because of the want of a bureau with power and means to pursue investigation and extend researches; and to-day the habits of these insects would have been unknown, their manner of increase unascertained, and their propagation could not have been prevented had it not been for the labors and investigation of the Department of Agriculture, and at every recurring season we are again liable to the ravages and devastation of these as well as the grain and fruit destroying insects.

Again, the complete and total destruction of insect-eating birds is unrestrained upon the domain, and the means that God and nature has placed in our hands and under our control as checks upon the increase of insect life are in a measure allowed to be destroyed, and the wholesale destruction of these birds is permitted because there is no department with authority to prevent, and the husbandman is compelled to sit idly by and see the fruits of his labor and substance eaten up and destroyed because Government refuses its aid and assistance in withholding the needful appropriations to secure the entire destruction of the insects that are eating up the industry of the farmer and the fruits of the orchard and have made the valleys barren wastes.

Arboriculture has begun to attract the attention of the economist, for the wholesale destruction of forests and trees should receive the attention of Government, affecting as it does climate, rain-falls, &c., and it behooves us to commence now diffusing information upon this important subject before we shall have arrived at that point to which European governments have reached, and who are now, and for a long time have been, engaged in efforts to save from total destruction their timber and trees and have appointed agents at the expense of the government to protect them.

The Census department of the Interior Department could, with just propriety, be transferred to the Agricultural Department; in fact, it naturally belongs to it; it should be under its control and management, when we consider the great mass of the statistical information derived is the product of the soil, and when we reflect that, independent of the enumeration and classification of the people, (and even a majority of them are engaged in agricultural pursuits,) and collecting the statistics in reference to mining, all else may with propriety be termed agricultural, even though we include the products of the loom, for Gibbon says that "agriculture is the foundation of manufactures, since the productions of nature are the materials of art." Senator PADDOCK adds:

The Signal Bureau, the different geological surveys, in fact all that relates to geology, meteorology, mineralogy, the subject of fish and fisheries, perhaps of internal transportation, and probably some other cognate subjects could properly be placed within its jurisdiction.

Politicians remembering the past are still unmindful of the future, and forget that the same necessity may compel this interest to centralize itself the same as mining, manufactures, and commerce, and thus by concerted action and united power obtain representation in the councils of the state and in the Halls of Congress, obtaining for agriculture that recognition and that position in the councils of the nation which an industry representing 50 per cent. of the population of the country—representing a majority of the wealth of the country, and I may add the majority of the virtue, intelligence, and honesty of the country—is entitled to have, and which the agriculturist will secure.

The power is in their own hands. They have but to reach out and grasp it. They have but to use it, and the voice of agriculture will be as potential and have as great an influence in the Government as the Departments of State, War, Navy, Post-Office, Treasury, Interior, and Justice, and who can foretell the influence for good in these days when corruption is lurking about in high places which will be accomplished when agriculture, with her stern justice, unyielding integrity, and keen sense of right and honor, takes her seat in the councils of the nation and becomes an inmate of the President's executive family and an adviser with him.

The formation of the Department of Agriculture as an Executive Department will create renewed confidence, inspire new love and devotion, and the people will realize, feel, and know that a new element, representing largely the population, virtue, and intelligence of the people, is infused in the administration of the Government that will materially aid and assist in the development of the wealth of the nation, and give aid, advice, and suggestions in an important industry. We should follow the example of older and foreign governments, which, by the recognition of it, have elevated labor, advanced and ennobled agriculture, and given to it the same power and discretion as is afforded to all the other departments in the expenditure of money, in experimenting, building up, and making efficient their respective departments. And as Senator PADDOCK well says:

In keeping with the custom of the most forward nations of the globe the head of this Department here should be the equal of the other chief counselors of state. He should be a Cabinet officer, with all the powers and prerogatives of one; the divisional heads of the Department should be among the most eminent and practical men in their specialties, and might together, under the Secretary of Agriculture, form a national tribunal to which the country would look with confidence for the solution of any trouble threatening the interests under its charge, so far as such solution might be within human power; and they should not only receive due compensation for their services, but there should be a full and adequate appropriation made annually to the Department, as I have before indicated, based upon estimates from the different divisions for original research in their several lines.

Shall the Caucasian Rule America and Free Labor be Protected?
The Mongolian against the Caucasian—The President's Veto of
the Chinese bill.

SPEECH OF HON. J. K. LUTTRELL,
OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, March 1, 1879,

On the bill (H. R. No. 2423) to restrict the immigration of Chinese into the United States.

Mr. LUTTRELL. Mr. Speaker, I owe a duty to the people of my State; a duty to the laboring interests of my country; a duty to good morals and good society; a duty to the sacred cause of freedom; and were I to remain quiet and permit this opportunity to pass without responding to the veto message of the President on the Chinese restriction bill I would be derelict in the discharge of the duty that I as a Representative owe to the people of the State of California. I have carefully and considerably read the President's message. He assumes a position that he utterly fails to sustain by any legal authority. He assumes the right of the treaty-making power of the country to control all international power; that Congress has no authority to pass any measure which in the carrying out of the provisions contained therein abrogates a treaty. Ours is a republican form of gov-

ernment, a government of the people; and yet, for the first time in our history the people are denied the right to govern themselves or to have a voice through their chosen representatives to cry out successfully against the aggressions of a foreign power.

Mr. Speaker, this is a government of the people; they are the sovereigns of our land and they have a right to demand that their accredited representatives shall perform certain acts, shall do certain things. The representatives of the people have performed certain acts required and demanded by the people. We, the representatives of a sovereign people, passed resolutions in the Forty-fourth Congress demanding of the President and treaty-making power of the Government to at once take steps to modify or, if necessary, abrogate the Burlingame treaty existing between the United States and the Chinese Empire, having in view the restriction of Chinese or coolie immigration to the United States. The President neglected and utterly refused to heed or pay any attention to this measure or demand of the people. Again, Mr. Speaker, in the Forty-fifth Congress the representatives of the people, in obedience to their demands, passed a *second resolution*, which called upon the President and the treaty-making power of the Government to take immediate steps to modify or, if necessary, abrogate the Burlingame treaty. This measure has been in the pocket of the President nearly twelve months, and no steps have as yet been taken or movements made to modify the treaty or to check the tide of coolie immigration to the Pacific coast States.

Sir, the people have a right to protect themselves, the treaty-making power having refused and failed to protect them and their rights. The people of this great nation are desirous of being protected against the curse of Chinese immigration, and they have presented their desires through their Representatives in Congress in the form of petitions and in such manner as was calculated to alleviate the suffering and prevent the further influx of the coolie element to the Pacific coast. Congress, after due deliberation, passed a bill which provided for a partial relief of the people, and it has been returned to this House with the President's veto. Had it received the indorsement and approval of the President it would have effectually retarded the immigration to our country. If the treaty-making power assumes that it has the right to govern all international legislation, and denies to Congress that right, why has it not protected the people and the Government against the aggressions of a pagan race? What is left for the people to do? We have demanded a modification of the treaty between China and the United States, and have asked the treaty-making power to comply with our request; but what do they do? Nothing! They refuse! Then we take the matter in our own hands and pass a measure restricting the number of coolie emigrants to fifteen to each vessel and send that to the President, and he vetoes the measure. Here in this state of affairs we are left to-day to suffer the consequences.

Sir, I repeat it, what is left for the people to do under these distressing and discouraging circumstances? *What are we to do?* Our petitions are not heeded, but summarily rejected; our demands are refused; and the Chief Executive of the nation takes unto himself the power and totally ignores the rights of the people of our common country, refusing to give us that protection which is within his power to do, either by taking immediate steps to modify or abrogate the treaty or approve the bill which he has returned to this House with his non-concurrence. Refusing to do either, what is left for the people to do? Sir, from time immemorial the most sacred law of nature has been self-preservation. It was the maxim of the ancients, and it has been so considered through all the past ages, and doubtless it will be through all time to come. "Self-preservation is the first law of our being" will be forcibly and indelibly impressed upon all coming generations. It was practiced by the Greek and by the Roman. Sir, it was practiced by our fathers in modern times when they resisted the aggressions of a foreign power and declared themselves a free and independent people. It was practiced, sir, in Boston Harbor when our forefathers stoutly fortified themselves against the browbeating of a European power, and cast the heavily taxed Chinese tea into the sea at Boston. And I tell you, sir, that the descendants of the patriots of 1776 have lost none of the fire, none of the love of freedom, none of the manhood and independence which characterized those men and made them illustrious and renowned. We have inherited their noble principles and their patriotism. With all seriousness and not without a little reluctance I now raise my voice and warn the President of these United States that unless he obeys the demands of the sovereign people of our country by checking this coolie or slave immigration that is degrading the free laboring men and women of our land, that is crippling our industries, the same acts which were perpetrated in Boston Harbor by the patriots of 1774 will again be enacted. But instead of its taking place in Boston Harbor it will be enacted away in the far West in the bay of San Francisco.

I do not advise nor do I desire to countenance any such course, and I hope that such an alternative will never be resorted to. But if worse comes to worse; if free labor, good morals, and the sovereigns of our land cannot be protected by the strong arm of a mighty nation, then I say, God support and uphold the noble and brave laboring-men of the Pacific coast, who have the manhood, patriotism, and independence to rise up and assert their sacred rights and privileges, their love of good government, of mutual protection, by unloading ships freighted with coolies into the bay of San Francisco.

The President, in his veto message, says that the passage of this act would be a violation of the fifth and sixth articles of the treaty. The sixth article of the treaty reads as follows:

Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities, or exemptions in respect to travel or residence as may be enjoyed by the citizens or subjects of the most favored nation; and, reciprocally, Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may be enjoyed by the citizens or subjects of the most favored nation. But nothing herein contained shall be held to confer naturalization upon citizens of the United States in China nor upon the subjects of China in the United States.

Now, Mr. Speaker, the President knows, as well as he knows that there is a sun in the heavens, that the Chinese government has failed to carry out the provisions of the fifth and sixth articles of the treaty. He knows full well that American citizens are not allowed to *settle or transact any business* in the city of Canton. He knows full well that American citizens are not permitted to run steamers or any kind of craft on any one of the rivers in the interior of China. He knows full well that our citizens are not allowed to migrate from designated ports or travel through the interior of the Chinese Empire. He knows full well that our citizens are not permitted to carry on business or enter into any mercantile pursuit outside of four or five ports in China. On the other hand he knows full well that the Chinese in America enjoy every privilege and all the rights that a native-born citizen of the United States enjoys, except the right to vote and hold office. Knowing this fact, sir, that the Chinese have failed to keep good faith with the American Government; that they have failed to protect the rights of citizens of the United States in China in accordance with the provisions of the treaty; that they have failed to allow American citizens to transact business in China except at such ports as the Chinese government has designated, I say, knowing all this, he allows the government of this pagan power to violate, yes, you may safely say, utterly repudiate the existing treaty, while he, the President of the United States, refuses to protect our *own* people against the aggressions of coolie or slave labor. He, sir, knows this full well, because he has the evidence before him, and we have presented it to him in person and have urged him to consider the matter and act accordingly. He knows that the Chinese that come to this country are serfs and coolie slaves under the control of the "six Chinese companies." He knows full well that they are not free immigrants; that they come here *under contract*; that they cannot return to their native country without a written permit from some one of the "six Chinese companies;" that out of the nearly two hundred thousand Chinese on the Pacific coast not one of them assimilates with us in anything; that not one of them contributes to the good morals, good government, or good society of our land; that not one of them is the owner in fee of a home in our country; that not one of them could be relied upon in case of insurrection or invasion by a foreign power, to aid in the protection of our Government; that not one of them is a freeman; that not one of them is anything but a serf or coolie slave; that they are owned, controlled, and disposed of by the "six companies" in the same manner that slave-owners controlled and disposed of negro slaves in the South before the war; that these "six Chinese companies" import women of the most degraded and vile class; that they are imported *exclusively* for the purposes of prostitution; that they are bought and sold like cattle in our markets; that the price of a Chinawoman is as well known in the markets of San Francisco as other chattels, or the products of our farms.

Kuowing all these facts, and being fully aware that they are not *free* immigrants, but that they are slaves used and controlled by the "six Chinese companies" for the purposes of prostitution for gain, the immediate result of which is to degrade good morals, free labor, and to impoverish and discourage the American free laborer, all of which is in direct opposition to our form of government—knowing all these facts, the President hesitates, ay, *refuses*, as have the *republican Congress*, always to hear our prayers, heed our petitions, or respond to our just demands, totally ignoring our own flesh and blood; totally ignoring the great laboring interests of our common country and the working classes. Then, sir, what is left for the people to do?

What can we expect at the hands of the Executive and what can we expect from the republican party, who here to-day refuse to heed the prayers of their own kindred, of their own race on the Pacific coast, and who refuse to pass the bill notwithstanding the veto? Sir, there is but *one* thing left for us to do, and that is for the laboring people of the Pacific coast States to rise up in all their majesty and in the name of good morals, good government, and of free labor assert their rights by driving from our shores these degraded pagans, who are now here not as freemen but as bondsmen, held to obey the commands and orders of the "six imperial companies." Imported here by these "companies" for the express purpose of benefiting the rich in order that they may obtain cheap labor, and thereby become richer while the poor man becomes poorer, they degrade free labor, demoralize our youth, and prostitute the morals of our common country, and are a blot upon the fair name and escutcheon of free government and liberal institutions. Sir, the blood of hundreds of thousands of our brave and true men has been shed in the cause of free labor and liberty; and yet scarce have the wounds from that great and terrible conflict had time to heal before another slavery more devilish, detestable, and damnable than ever known to civilization exists and is being forced upon us by the Executive and the republican party; and not only is it forced upon us, but is fostered by them. It is a blighting

curse upon this land of the brave and the free, upon this people, that there should be allowed the importation to our shores of the most destitute, corrupt, and degraded creatures known to civilization.

They are a race that bargain and sell their women in the markets as the farmer sells his stock or other surplus; and yet for a quarter of a century these people have been here "under the influence of good Christian morals," that his Excellency speaks so glibly about, and not one of them assimilates or is akin to us in anything. Sir, I would be the last man to oppose the downtrodden. Reared to labor as I have been, schooled in the democratic faith, my heart beats in sympathy with the oppressed of every land. But, sir, that heart has no sympathy for a people who, coming in direct contact with civilization and having all the Christian and moral influences of our land thrown about them, still persist in their pagan habit of selling their daughters for the purposes of prostitution and degraded slavery. So long as I am permitted to raise my voice in opposition they shall never retain a foothold upon American soil; and in this I follow the tenets of my political education. I welcome the oppressed Caucasian of every land; I care not whether they be Jew or gentile. I believe that this is the Caucasian's country; that this country was discovered by the Caucasians; that this country has progressed under Caucasian rule; that this country has been protected by the strong arm of the Caucasian race; that this country in all its greatness has been built up by the Caucasian; and I, sir, am opposed to the immigration of any other race save that of the men who discovered, built up, and made it what it is. I believe with the immortal Stephen A. Douglas—

This is a white man's Government, made by white men, and for the benefit of the white man.

I say, sir, that this is the Caucasian's country; and I take the strong ground that we want this country for our people, and for the European who may choose to come here and settle, so that he and his and our posterity may enjoy the privileges of an American citizen. The President says again in his message:

It commits the Chinese government to active and efficient measures to suppress this iniquitous system, when those measures are most necessary and can be most effectual.

But the Chinese government, Mr. Speaker, refuses to carry out the provisions of this treaty. They have never reciprocated as provided in the sixth article. They refuse to prevent the emigration of cooly slaves to the United States, and what are we to do? We have asked the President to protect us, and when "we asked for bread he gave us a stone." We have petitioned the President to demand of the Chinese government a modification of the treaty, but the President has neglected and failed to do so, and still neglects and fails to protect us. What are we to do? The treaty says that we "shall enjoy the same privileges as may be enjoyed by the citizens of the most favored nation."

Now, are we protected in China? No! And on the other hand, are the Chinese protected in America? And the answer readily comes that they are. They are protected by our laws against the aggressions and browbeatings of evil-doers; protected here in the same manner that our own citizens are, and enjoy the same rights that our native-born citizens enjoy, save only the right to vote and hold office. The President admits that the Chinese do not assimilate with us; that they have no ties in common with our country and people; and that negotiations should be renewed with China. Then, if he admits all this, why has he so long delayed action? Why has he refused to obey the petitions of the people and their representatives in Congress, who have repeatedly called upon him and prayed that he should enter upon these negotiations at once and without delay? On the 10th of December I introduced the following joint resolution, which subsequently in substance passed both Houses:

Joint resolution relative to Chinese immigration and modification of the "Burlingame treaty."

Whereas under the provisions of the treaty made between the United States and China known as the "Burlingame treaty," which took effect February 3, 1870, all barriers against Chinese immigration were removed, and the immigration into the United States of the most degraded of the subjects of that vast and populous empire was not only permitted but encouraged; an experience of nearly eight years has clearly demonstrated that the workings of these provisions of that treaty have been disastrous to the laboring classes of our Pacific States and Territories;

Have tended seriously to retard rather than develop the resources of that naturally much-favored country;

Have brought there tens of thousands of servile coolies, establishing a system of slavery in our midst more pernicious and degrading than ever before known to the history of the world.

With these slaves come hordes of abandoned women of the same race, of the lowest and most degraded cast, who are bought and sold like cattle in the market, and hired out for the vile purposes of prostitution, infesting every city, village, and hamlet of the land, degrading the youth and tainting the moral atmosphere of our communities.

These slaves, owned by organizations known as the "Six Companies," are maintained upon a mere pittance, not exceeding ten cents per head per day, can afford to be, and are, hired for wages upon which a free man would absolutely starve.

With this system of slavery free labor cannot compete. The individual cooly has no family to support, no ambition, and is content with that which affords him bare subsistence; while, upon the other hand, the ambition of the free laborer is to build for himself a home, and rear therein a family, which ruling idea is the very spirit of our system of government. This end he can never achieve in competition with slave labor. When laboring men and women complain to employers of the insufficiency of their wages, they are met with the reply that Chinamen will board themselves and work for forty cents per day. Every industry suffers by this all-prevailing competition with the degraded cooly, whose deft fingers soon become educated to perform skilled labor, whose mind, however, is not improved by his new associations. He clings to his prejudices, his ignorance, and pagan superstition, antagonistic to our theory of government, our laws, and our religion.

For this blighting curse there is no compensation, and for these reasons the citizens of the Pacific States and Territories demand, in behalf of the laboring men and women of the country—in behalf of our race, of civilization, and good morals—protection from the degrading effects of Chinese or cooly slavery.

It is the duty of the representatives of the people to remove the evil: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the treaty-making power of this Government is earnestly requested to take immediate steps to so modify our treaty with China as to absolutely preclude the further importation of servile Chinese subjects to our shores.

What excuse has he for not obeying the resolutions passed by Congress? Does he offer any? No! he can offer none.

Again, the President speaks of this "ancient Chinese government," and "our sense of national pride," &c. Does it lie in the mouth of one who attained the Presidency in the equivocal manner that he did to speak of national pride? If he could but visit the dens of prostitution and vice that exist in the Chinese quarter in San Francisco, where women are branded and sold for the vile purposes of prostitution; if he could visit those dens containing leprosy creatures and the most wicked characters, I think his Excellency would not speak quite so Chesterfieldian of the Chinese. We have a right to look to him for protection, and he should protect his own country and his own countrymen. Again he says:

I regard the very grave discontent of the people of the Pacific States with the present working of Chinese immigration, and their still graver apprehensions therefrom in the future, as deserving the most serious attention of the whole country, and a solicitous interest on the part of Congress and the Executive.

This smacks of the diplomate and must have come from his State Department? What does he mean by this remark? Does he propose to add insult to injury? He calls the attention of the people to this serious matter. The people have given it their serious attention and have long since urged Congress against the making or ratification of the Burlingame treaty. They saw what would be the result of it in the future. But, sir, the republican party refused to heed their prayers and their warnings and the Burlingame treaty was ratified. Sir, the people have petitioned you year in and year out for a modification of the Burlingame treaty, and your republican President and your republican party have refused and have totally neglected to heed them, although the years in which important elections were held the republicans made profuse promises that they would take the matter in hand and act justly. When Congress called upon the President and warned him of the seriousness of the question that is agitating the people of our country he turned a deaf ear to it. Why is it that the President does not respond to the thousands of petitioners that have annually appealed to him? He says "it demands a solicitous interest on the part of Congress and the Executive."

The lower House of the Forty-fourth and Forty-fifth Congresses passed measures which were solicitous and which called upon the Executive to modify the existing treaty with China, and thereby protect free labor and the freedom of our land. For six years I have served in this House, and at each and every session I as well as my colleagues have urged the enactment of measures which called for the suppression of Chinese immigration. In the Forty-third Congress, which was under the control of the republicans, they refused to consider any measures of this character; and in the Forty-fourth, when the democrats came into power, they passed measures and the President pocketed them. Now, he says that there should be a "solicitous interest on the part of the Executive." I say so too. I agree with him that the Executive should interest himself in this grave matter. He, believing this, why, in the name of God, has he hesitated this long time without taking action? Why does he still hesitate? Why does he exasperate the people in this manner? Is he delaying in this in order that the people of the Pacific coast may commit some revolutionary act? Is he waiting to force them to resort to the only alternative left us, that of self-preservation? The President admits that the French government has passed laws which abrogate in part the now existing treaty between France and the United States. He admits that the French government has failed to keep the provisions contained therein, and that Congress has the right by legislation to enact laws in conflict with existing treaties, and that the judiciary have sustained this legislation. Without sustaining his present position by one single authority he refuses to do anything to relieve the people of the Pacific coast. The people do not desire an utter abrogation of the treaty; only such part as has reference to cooly or Chinese immigration. The President then says:

The authority of Congress to terminate a treaty with a foreign power by expressing the will of the nation no longer to adhere to it, is free from controversy under our Constitution, as is the further proposition that the power of making new treaties or modifying existing treaties is not lodged by the Constitution in Congress, but in the President.

He admits, as will be seen, that it is his duty to take such steps as will modify or abrogate certain portions of the present treaty. He offers no excuse for not doing so. He offers no excuse for his course. No excuse has he to offer to millions of people on the Pacific coast, or to the forty-five millions in these United States, for his total neglect in this matter. He further says:

I am convinced that whatever inquiry might in any quarter or by any interest be supposed to require an instant suppression of further immigration from China, no reason can require the immediate withdrawal of our treaty protection from the Chinese already in this country, and no circumstances can tolerate an exposure of our citizens in China, merchants and missionaries, to the consequences of so sudden an abrogation of their treaty protections. Fortunately, however, the actual recession in the flow of the emigration from China to the Pacific coast, shown by trustworthy statistics, relieves us from any apprehension that the treatment of the subject in the proper course of diplomatic negotiations will introduce any new feature

of discontent or disturbance among the communities directly affected. Were such delay fraught with more inconveniences than have ever been suggested by the interests most earnest in preventing this legislation, I cannot but regard the summary disturbance of our existing treaties with China as greatly more wider and more permanent interests of our country.

Again we find the ear-marks of the astute State Department. What have we to do? Who must the laboring men and women of our country look to for protection from cooly or slave labor? Can we look to the republican party? No; because for long years we have petitioned them to modify the treaty and they have refused to do so. Can we look to the President, who claims to have the treaty-making power? No; and why? Because we have demanded of him as the President of the United States to proceed in such manner as would modify or abrogate, if necessary, the treaty, and he has refused to do so—has totally neglected to do it. Consequently we have no reason for hope from that quarter. Then the American people, the great laboring masses of our country, must look to some other source. They must look to the democratic party, who have stood up like statesmen and like freemen in defense of the rights of free labor. They must look to the party who cast an almost unanimous vote in both Houses in favor of the Chinese-restriction bill. Our only hope is with the democratic party, which has always been in sympathy with the laboring people. Our only hope is in the party that had a Jackson, a Jefferson, a Pierce, and a Douglas. Our only hope is in the party which has always stood up for the rights of the people against greedy corporations and the money power. Our only hope is in looking to the party which has always been the friend of the great masses of mankind, for we can expect nothing from the party which has year in and year out denied us the right of petition and protection.

We can expect nothing from the party who when the democratic party a few years ago had levied a tax upon Chinamen at the rate of four dollars per head per month for the privilege of mining in our mines relieved them of this tax and imposed the same upon the laboring Caucasian. Every act of the republican party for the last sixteen years has been in the interests of corporations and capital; in other words, they have legislated in the interests of the rich to the prejudice of the poor. In the late annual message of the President he devoted but a single sentence to the monstrous evils of Chinese immigration, while he gave nearly a column in trying to let Congress know that it was reported that some one in some one of the Southern States had been denied the right of suffrage. Nowhere in that message did he tell us that thousands of Irishmen and Germans were denied the right of suffrage in the city of New York and elsewhere. Nowhere in that message does he tell us that the republicans of Massachusetts deny poor men the right to vote unless they chance to be property-holders. He tells us nowhere in that message that the republicans of Rhode Island have arranged matters in such a manner that unless a man owns real estate he cannot vote. He fails to tell us that to hold office in New Hampshire is a question of religion. No, sir! The whole history of the republican party has been against the great laboring interests of our land.

Let us review briefly the action of the republican party for the past sixteen years. Understanding the pledges and promises which they have made to catch the votes of the people, look at their test oaths, which prevent intelligent white men from acting as jurors. Men of wealth and position are not permitted to sit in the jury-box while the ignorant and vicious are permitted to decide our rights and destinies. Sir, we are one people. In the words of the lamented Lincoln—

Virginia and her people, and all the people of the South, are entitled to the same equal rights and privileges in every respect enjoyed by the people of Massachusetts; there should be no distinction.

But a little more of the history of the party before I am done. The republican party has resisted everything in the shape of investigations into the affairs of Government officials; everything in the shape of having the Government conducted in an honest manner. The republican party is responsible for the Sanborn contract frauds; for the Indian rings; for the straw-bid stealings in the postal service; for the whisky rings, thieves, and revenue frauds, (and the President pardoned the thieves after they had been convicted.) The republican party is responsible for the custom-house plundering; for the obnoxious tariff laws that compel the forty-five millions of freemen to pay tribute to thirty thousand task-masters; for the system of spies and informers; for the navy-yard jobs; for the hundreds of millions of acres of the public lands, and bonds which they have given to railroad corporations, and yet not a dollar have they given to the people; for the millions of dollars that they have wrung from the people of the District of Columbia; for the millions that they have forced from the poor man by the demonetization of the silver dollar; for the credit-mobilier frauds, Black Friday jobs, post-tradership steals, and the robbing of the brave soldiers on the frontier. They are responsible for breaking faith with the laboring-men of the country by violating the eight-hour law. They exempted the bondholder from taxation while they have taxed labor, the poor man's salt, and the pension of the widow and orphan. They have legislated that the rich might become richer and the poor poorer; and so I might go on and enumerate measure after measure for which the republican party is responsible; but I will only say this much, that in the sixteen long years of republican rule they cannot point to one law which they have enacted having for its object the welfare and prosperity of the toiling millions of our country.

Revision of Patent Laws.

SPEECH OF HON. BENJAMIN DEAN, OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 14, 1879.

On the bill (S. No. 300) to amend the statutes in relation to patents and for other purposes—

Mr. DEAN said:

Mr. SPEAKER: I have received some letters from constituents whom I respect, who are apprehensive there is some lurking evil in this bill. I have also received a circular cautioning me against it in addition to some newspaper articles in which the writers express some alarm at the attacks upon the rights of inventors, which they think they see in the bill, and at the evil destiny it will bring upon the industries of the country. I think all of these fears are unfounded and I am therefore impelled to discuss this subject somewhat. I will notice some of these apprehensions at the outset.

One writer thinks section 2 takes away from the inventor the control of his own invention and gives the right to others to use the patent against his will. Now, in fact, there is no change in this respect. The patentee always had a right to two things unless he had voluntarily parted with them—a money compensation for his damages or profits, (and I shall hereafter use the word damages alone,) and a right to enjoin any one from using the patent against his will. The proposed statute does nothing in the world in this regard but affect the question of damages; the other right remains preserved to the patentee as fully as it ever was. No one can infringe a patent or make use of the invention without leave, under the proposed any more than under the existing law. If that could be done it would be an important change; but no such thing is in this bill. The well established right to an injunction is expressly and in terms preserved unimpaired.

Complaint is also made of the fourth section. This complaint is made in behalf of the patentee. This is astonishing, for it is certainly a provision in favor of the patentee. It expedites the cause. It hastens the determination of the rights of the patentee. Now, before an appeal can be taken, the cause has to wait the long and tedious accounting or determining of the damages; then comes the appeal, and all the time between the interlocutory decree and the accounting is lost to the patentee. He only loses by that delay. Why he should complain of the expediting of the cause it is difficult to see. The only fault with this section is that instead of giving the court power to authorize the defendant to appeal, it should require the defendant to appeal, if at all, from the interlocutory decree, and authorize the plaintiff to take his account and have that account sent up and become a part of the appeal, though the appeal may have been already entered, so that all questions relating to the damages or account may be determined at the same and earliest time.

Neither the patentee nor the defendant can complain of the fifth section, for it authorizes the court to grant injunctions after the appeal as well as to suspend them. Patentees have never had occasion to complain of the unfriendliness of our courts; they have always been the protectors of the rights of patentees. In fact a recent rule of the Supreme Court seeks to accomplish pretty much the same end. Some complain of the ninth section, which authorizes the taking of testimony by either party which is liable to be lost by delay. This is but fair to both parties. In no case can it be determined which party it will benefit, but whichever is benefited it is just and equitable. This provision would be very seldom used. Every litigant studies to keep the other uninformed regarding his intentions and regarding his evidence till he has to use it in court. Nothing but necessity or the danger of the immediate loss of valuable testimony would induce a person interested either for or against a patent to do anything to discover his evidence to his adversary or to the world.

Section 10 authorizes the bringing of suits by parties adversely interested, to have the patent declared void, when the patentee unreasonably delays to bring a suit for an infringement. This is surely a just provision. No patentee should keep his patent merely for a threat. One of the greatest difficulties meritorious inventors encounter at the present day is the existence of a multitude of patents upon the same subject-matter, which though of doubtful validity stand in the way of other more meritorious inventions. They stifle and deter invention and the development of the very industries the inventions were intended to subserve, because the uncertainty attending them frightens off the capital needed for that development. But more of this by and by. The eleventh section is also so just that no one can fairly object to it.

Why should one who is carrying on an extensive business be compelled to carry it on in the face of a constant threat from some patentee whose patent may not be valid and which the person carrying on the business believes to be invalid, without the law affording him means of determining whether or not he must stop his business or submit to the demands of the patentee?

Why should a patentee be at liberty to stand by and say, "I will let this manufacturer do an immense business, he believing he can do it in security, and when the amount of business done is so large that the damages will be great I will pounce upon him with a suit for infringement?" It is this class of men—it is the men who think this use of patents to be just, and who cry "Wolf!" "Wolf!" when any just legislation is proposed—that are the great enemies of the patent system. In presence of such an unwillingness to submit to what is fair and just, and in presence of such loud cries, when any legislation to correct evils and while so many patentees "No say turkey to Injun once," how can we wonder that the whole patent system becomes unpopular and we are called upon to defend it against its utter abolishment?

These remarks will also apply to section 1. It is better for the patentee that he should be prompt in the assertion of his claims. He will get more money by collecting of every infringer with promptness than by lulling a few into security by his acquiescence in their acts, and finally attempting to make them pay large damages. I have now taken a bird's-eye view of the more important objections to the bill, excepting its principal provisions, to which I shall now call the attention of the House. I would go over the provisions of the bill in detail were I not in danger of making my remarks too long to command attention.

When a patent has been adjudged valid by a court of equity it is many times but the beginning of the plaintiff's labors and troubles. The case is referred to a master to state an account of the defendant's profits which have accrued to him by the use of the plaintiff's invention. This is a long, tedious, and expensive part of the litigation, occupying in important cases months of arduous labor on the part of the master, counsel, and parties.

The master and counsel charge a liberal per diem fee, as it takes all their time, and clients devote all their time to the accounting to the exclusion of everything else. In a single important cause many thousand dollars are frequently expended. Anything which will tend to simplify the process of accounting is a benefit and saving to the parties litigant, but it is of especial benefit to the patentee, as time is constantly running against his patent.

Every day makes its life shorter, and there is nothing so injurious as the delays he encounters by the wayside in the final establishment of his patent. This bill does tend to simplicity; it makes the damages alike, both in law and in equity; it furnishes a sort of compass to direct parties in the ascertainment of the actual damages. The use of patented inventions is so completely mixed up with everything that we make and use that we must be guided by the light of experience, and a recurrence to the working of a rule will help us in testing it.

Take the case of the "kindling-wood machine." Because the use of the plaintiff's device would make kindling-wood, as far as the master could ascertain, seventy-five cents per cord cheaper than by the hand or any known method, the defendant was decreed to pay that amount, though he had not made any profits at all by the use of the machine. So that we had in this case the defendant liable for profits that he had never made. He was held to be a trustee for what he had never received, and he would not have used the machine at all if he had known he should be subjected to any such damages, and yet it is for the benefit of the patentee that his machine should be used.

Besides, to change the habits of the people and to induce them to buy kindlings already manufactured, they must be made and put into the market at a much lower rate than before. If the patentee is going to obtain all the profit he would give to the community no inducement to change their habits and buy machine-made kindling-wood, and his invention would bring him no profit. Therefore the rule which would give him all the profit would prevent the use of his patent altogether and make it worthless. This rule, therefore, was not the true rule, but a fallacious and jack-with-the-lantern rule. I have known it to work wrong in other than patent cases. There was once a case where one railroad sought damages against another railroad because the latter railroad crossed the former at grade. Experts testified that the damages to the plaintiff's cars and engines amounted to a certain sum by the injury to the engines and cars caused by the shaking and jarring in crossing the tracks. The fallacy in the testimony could not be readily discovered, but when the aggregate of the damages sworn to by the experts was proved to be greater than the profits of the entire business on the road, it was evident that there was a fallacy somewhere, and the method was thereby proved to be a wrong one.

In another case a plaintiff proved that he suffered enormous damages by a road being laid out through his land, which contained large quantities of clay suitable for making bricks. He proved that the land contained so much clay, that so many bricks could be made of it, that it cost so much to make the bricks, and that the market value of the bricks was so much more than the cost of making; and the aggregate damage came to a very large sum. The defendant was unable to point out any error in the calculation, but he did prove that any quantity of just such land containing just such clay, in the immediate vicinity, could be bought for a trifle compared with the amount of damages the plaintiff had proved; and the jury found for a very much less amount. There was, of course, a fallacy somewhere in the plaintiff's case, though it could not be detected.

In a recent case a board of railroad commissioners decided that a street railroad should pay to another street railroad company 3.8 cents per mile for the use of the latter road's track, that is 3.8 cents for every mile run by any car over the tracks. They estimated the wear and tear of the track and every element of damage for the use of the track, but it turned out after a careful finding of all the profits of the road using the track that its entire profits, including the use of stables, horses, and cars, amounted to but 3.62 cents per mile. There was a fallacy somewhere in the way in which the commissioners got at the damages. They probably would be unable even now to find out.

These instances are sufficient to prove that the doctrine of savings is not correct and reliable. Its absurd results, to say nothing of the expense of arriving at them, compels an alteration of the law in this respect.

A person invents some device which cheapens a certain manufacture or the manufacture of a certain product. He thereupon claims the entire gain, forgetful of the fact that the cheapening in manufactures of all kinds is constantly going on, his invention is of no earthly use unless used by the manufacturer, and he must take his share of the profits of the business. The manufacturer does the inventor a service by using the invention if he pays for the use as certainly as he benefits the manufacturer by allowing him the use of the invention. If I remember rightly it appeared at the lengthy hearing recently before the Patent Committee of the Senate that inventors, as a rule, when left to themselves and not troubled by infringers, receive but a small percentage of the apparent savings resulting from their inventions.

This must necessarily be the result in this age of progress and invention, where device after device and process after process are constantly rivaling and supplanting one another in the long run. Therefore the rule which provides for the ascertainment of a proper license fee, admitting all the evidence that can bear upon the question, excluding only the account of savings, which is a long, tedious, and expensive inquiry, is about as correct a one as in the present state of things can well be devised.

In order that we may discuss this part of the bill more intelligently, let us have it before us. It reads:

No account of savings shall in any case be allowed; and no evidence or account of the defendant's profits shall in any case be admitted, except as to actual profits resulting from making for sale, or selling the thing patented or the product thereof as aforesaid: *Provided*, That nothing herein contained shall exclude other evidence as to the utility and advantage of the invention as one element to aid in determining a license fee where none has been established. Nothing in this section shall affect the right of a plaintiff to an injunction.

The section does nothing but exclude the technical account of the savings actually made by the defendant, and the account as evidence of defendant's profits. That is, you shall not investigate the defendant's business, compel the examination of his books, and get at what he has actually saved by the use of the plaintiff's invention. It does not exclude evidence of other testimony that the invention is a saving invention; that it yields a profit to any user. The bill expressly provides that it does not "exclude other evidence" (than the account) as to the utility and advantage of the invention, as one element to aid in determining a license fee where none has been established.

It does not alter the rights of parties as to the amount of the damages the present law intended to give them. The present law—and bill No. 300—undertakes to give the inventor the actual damages he sustains by the infringement. In the administering of the law the courts had become switched off upon a side-track that has been adhered to until it is found landed inextricably in a quagmire from which it cannot extricate itself. Congress must come to the rescue. There is nothing remarkable in this. The rule adopted by the court seemed to be simple. When put to the test of experience it has proved a failure. This was not and perhaps could not be foreseen. It was a departure from the rule of giving the actual, the real damages, and making the claim simply an account of savings—a rule just in some cases, unjust in others.

I see one writer complains of an inventor being bound by a license fee established by himself, because sometimes a poor man will establish too small a license fee. But that is the law to-day, and it is therefore unnecessary to discuss the natural proclivities of a poor man not to take the most he can get for his invention. It is, however, and will continue to be the law that a license fee fixed under peculiar circumstances will not always govern. A patentee may therefore prove that the merit of his invention consists wholly in the saving it makes in the cost of manufacture and may claim that this saving should be the amount of his license fee. Defendant may dispute his evidence on that point as well as put in other evidence on the question of savings; but after the plaintiff has proved the power of the invention to save, the defendant cannot prove by his accounts what he did save, to disprove by his accounts the plaintiff's case, nor can plaintiff compel such an account.

It will be asked, why should not each party have this right? The answer is that though legitimate as an element in the proof of damages, experience proves that this evidence is delusive. It leads to error and injustice. It is also a long and a tedious, expensive, and needlessly inquisitorial process. In other words, the plan has been tried in the balances of experience and found wanting. That is all there is of it.

This evidence is not theoretically inadmissible as one element, but practically justice is more just without it; and as a positive rule of damages it is neither theoretically nor practically correct. The twelfth section as amended in the House committee requires the payment of \$20 at the end of four years, and fifty at the end of ten years, to keep a patent alive.

One of the chief troubles in our present patent system is the immense number of patents that are outstanding. I have always advised patentees when about to enter into a manufacture under a patent to have the Patent Office examined for unused patents relating to the proposed manufacture, which patents, on account of some defect or other cause, failed to succeed, and buy them up or get them out of the path in some way. It always turns out that there are such patents which, although unsuccessful in themselves, might be held to be infringed; and if not, there would be great danger of some rival springing up as soon as the new manufacture should prove profitable, who might buy the outstanding patent and have it reissued so as to cover the later and better invention.

These questions arise between patentees. The evil falls on patentees who are making new machinery and therefore this section is of especial benefit to inventors. It is a process of separating the chaff from the wheat. As the wheat is more valuable after the wheat is cleaned, so the useful patents are patents more valuable after they are cleaned by the falling away of the worthless ones. There are patents for devices for cleaning wheat and other cereals. This bill is a thousand-fold more valuable to the community and especially to patentees than any patent for cleaning grain.

The surviving patents are much more valuable. It is a cheap process of cleaning them. They become more valuable than the cost of the process. I do not mean to say that I want to get out of the way all the patents that are not in profitable use. A great many inventions for many years only serve to keep people at work inventing improvements to go with them; they are useful in anticipation at least. The patents that will be winnowed out like chaff are those which are forgotten, because nobody uses them and nobody thinks it worth while to try to improve them.

I have heard the objection to Senate bill No. 300, that its provisions relating to damages are applicable to suits already pending; but it will be observed that it only applies to such in case no verdict has been rendered or no decree for an account or assessment of damages has been pronounced. These suits are therefore in the situation of actions which might be instituted after the passage of the bill, and the question is the same as to both of them alike, and that is: is this method of getting at the damages on the whole a good one? I do not see any virtue in the attempt to draw a distinction between the damages in pending cases and those hereafter to be brought, unless something has been done relating to the damages. The law expressly excepts the latter class of cases from any effect on this bill. But if this is a stumbling-block to any I would not insist upon keeping it in the bill.

The great glory of the proposed law is that it limits reissues. There is nothing so illogical, absurd, and unfair to one who has studied the common law as the present law regarding reissues. It is possible that in this regard I may have more positive opinions than I should have had were I less acquainted with the wrong and injustice that is done under the law now in existence. I will give the history of a single case which came to my attention as counsel. A mechanic made a useful and valuable invention relative to the use of steam. A man who manufactured and dealt in things kindred to the invention asked the mechanic to join with him in the manufacture and sale of the mechanic's device. He declined, desiring to carry on the business relative to his own patent in his own way. To use the language of the manufacturer, as near as I can remember, he said:

I got mad; I wrote to Washington to see if there was not something in the Patent Office that would anticipate the invention. The reply was that there was nothing. I wrote again that among all the things in the Patent Office there must be some such thing, but they could find nothing of the kind. Then I went myself and I hunted up this patent taken out by an Englishman. I went to London and bought the patent, and came back and got it reissued, and now I've got him.

Telling this story to a member of this House a few days since, he replied that he knew of a similar case. But to return to the story. The manufacturer did bring an action on the patent he had thus bought and procured to be reissued. He failed to sustain his patent, but not until he had carried it to the Supreme Court. The litigation was very expensive, occupied a great deal of time, and did great injury to the mechanic.

I know persons of good character and standing who get patents reissued to cover as far as possible everything valuable within the reach of the patent down to the date of the reissue.

If called upon with reference to a patent, the first question is, can it be made better and stronger by a reissue; if it can be, a reissue is obtained. How it is done I do not know, but it is done; and then a suit is brought on the reissued patent. Sometimes a suit fails, and then the patent is surrendered and a new suit brought on the reissued patent. This reissue is obtained behind the back of the defendant, on *ex parte* testimony in certain cases under the old law.

Mr. Speaker, can you conceive of anything more revolting to a fair-minded man than this? In every other part of the case, and in every other kind of a case, if a party has evidence he brings it before the

court and the other party has the right to cross-examine and disprove. This is not so here. If a patentee is defendant, or if he finds his patent does not cover the defendant's machine, instead of having a fair trial, he goes to the Patent Office, surrenders his patent, and then comes forth and attacks the defendant with the new patent obtained behind the back and without the knowledge of the defendant.

To state the case is to tell a story of meanness and cowardice. How curious a spectacle it is, Mr. Speaker, to see an educated gentleman, who looks to some extent after the morals of the community, one you can depend on upon all ordinary occasions and with reference to all ordinary offenses, and in fact with reference to every kind of wrong except the one they are engaged in, guilty of such conduct as this. Besides the law itself contemplates and opens the door and furnishes the machinery for these practices. Who can justly object to this Senate bill No. 300 in its limit of reissues? It says:

But no new matter shall be introduced into the specification not shown, contained, or substantially indicated in the specification or drawings of the original application or its amendments, and which the patentee would have been entitled to include as a part of his invention in the patent originally granted.

What a commentary upon our present patent system it is that such a provision should be necessary; that now, in the year 1879, we should have to pass an act that a man shall not have in a reissued patent what was never "shown, contained, or substantially indicated in the specification or drawing of the original application or its amendments."

But so it is. And now when it is attempted to remedy a great evil in this great system affecting the business relations of our whole people great efforts are made to prevent the remedy.

It is true that our courts have of late been deciding cases in accordance with the provisions of the proposed law, but they do not prevent the evil in the Patent-Office of reissues on *ex parte* evidence, which take by surprise other inventors and shock their sense of justice and right.

Now, what is there in this system of patents with its reissues and its limitations of reissues, its limitations of the life of patents—what is there in all this which affects one man more than another? Nothing at all; I repeat it, nothing at all. It is equal and just to all; it is an improvement on the present laws. Have you a patent not worth \$20? If yes, it had better die at the end of four years. Have you a patent worth more than \$20? If yes, it is better for you that those patents should die which are worth nothing, but which stand a threat against the use of yours. Have you a patent which is worthless unless reissued for something which is not in either the original drawings, models, or amendments thereto, nor substantially indicated therein, then I say you ought not to have it. Have you a patent that is valuable, then it is not injured by having anterior patents, which might under the present law be reissued to cover yours, confined to what is shown in the model, drawings, and specifications. All those parts of the bill which we have discussed are eminently just. They are calculated to prevent fraud and wrong dealing.

If again we look at the case of an inventor who seeks for a reissue and obtains it because he was careless enough to misdescribe his invention. Well, he covers by his reissue machinery which was not touched by the original patent, and which was lawfully built and used at a time when no patent covered it, and when it was of course lawfully built and used. But a reissue under the present law relates back to the date of the original patent, and covers and enables the patentee to stop such lawfully built machinery. Many a man who could well have avoided the use of the device had it been covered by any claim in existence when he built his machine, now finds the cost of the change so great that he must submit to heavy terms imposed by the owner of the reissued patent.

This power offers great inducement to the patent speculator and leads to most of the evil which flows from the right to reissue. Section 7 takes away this retroactive feature of the law. On the other hand, the surrender and reissue of a patent has been held to destroy the patentee's right to all the damages which had accrued under the original patent up to the time of the surrender. This section remedies this plain injustice and enables a recovery to be had upon the patent actually surrendered. I have not called attention to everything in the bill. It has certainly been considered a great length of time. Two whole years have been passed in its discussion and perfection. The greatest pains were taken to give it publicity. Written requests for opinions regarding it were sent generally to those known to be interested in the patent law.

Notwithstanding all this I am satisfied this bill, owing to the lateness of time, cannot be passed the present session. I have had so many inquiries made of me regarding it that I somewhat hurriedly take this means of answering the questions. If it does not affect the legislation at this session, this expression may help to keep attention to the details of one of the most important branches of our national jurisprudence.

The patent system is credited with the great progress of our people in the arts and sciences. It should be touched by cautious hand. Its abuses must be removed. This bill will, if passed, remove abuses which do not belong to and form no part of the system itself, but excrescences grow upon it. The attempt should be to preserve that which encourages invention, and destroy those features which lead inventors to worry and prey upon each other.

The Chinese Question.

SPEECH OF HON. JOHN P. JONES,

OF NEVADA,

IN THE SENATE OF THE UNITED STATES,

Friday, February 14, 1879.

The Senate having under consideration the bill (H. R. No. 2433) to restrict the immigration of Chinese into the United States—

Mr. JONES, of Nevada, said:

Mr. PRESIDENT: The consequences, immediate and remote, of Chinese immigration into the United States are only beginning to attract that general attention which its overshadowing importance ought to command. On the Pacific coast it is the uppermost subject in the popular thought, and absorbs public attention and engrosses public discussion to the exclusion of almost every other question. A full discussion of all its phases is impossible within the limits of time to which I must now restrict myself. I therefore propose to refer only incidentally to the degrading effects, moral, religious, and political, which would inevitably result from the unrestricted emigration of the Chinese race to our shores. I shall confine myself to-day chiefly to a discussion of its influence upon the economical interests of labor and capital, and upon the material progress of the country.

THE EFFECT OF CHINESE COMPETITION.

In treating this subject I shall endeavor to discard all race prejudices, and shall not knowingly overlook or undervalue such commendable traits as may exist in the Chinese character, or such of their habits of conduct as may be worthy of praise and imitation. I do not fail to commiserate that unhappy condition of their own country, which by its continuance through unnumbered centuries has contributed to form, indurate, and crystallize in them those dominating mental and moral characteristics which make their presence among us dangerous to, if not destructive of, our civilization.

Considering the leading characteristics of the Chinamen, their physical and mental capacity for skilled and unskilled labor, their aptitude for trading and manufacturing on their own account, and the degree to which their established habits enable them to push economy in living, the questions are as to what extent they are likely, if their immigration remains unrestricted, to displace, first, American laborers, and then American employers? And also, as to the effect of such displacement upon the future material condition of this country—whether, as at present, such of them return to China as acquire what they regard as a competence, their places being supplied or more than supplied by new-comers, or whether, as a consequence of coming here in much increased numbers, or from any other cause, their policy shall be to permanently occupy this country or portions of it, as they now occupy some Asiatic regions to which they emigrate?

A joint special committee of Congress heard testimony and arguments at San Francisco in October and November, 1876, on all sides of this question. The report of that committee, made to this body by Mr. SARGENT in 1877, is full of valuable information upon the whole subject. I have read it with care and with instruction, and shall refer to it very frequently.

CHINESE INDUSTRIAL AND SOCIAL HABITS.

In nearly all departments of labor, skilled and unskilled, the steadiness and patience of the Chinese, whether derived from national habits or mental and moral conformation, or both combined, are proverbial. Physically they have less strength than white laborers, but they have equal endurance under long hours of labor, and a capacity of resisting the malarial influence of hot climates and swampy grounds quite equal to that of the negro.

They are almost entirely wanting in creative faculty, but in manual dexterity, in the suppleness required in nice manipulations, and in imitiveness, they have few superiors. In respect to expenditures for living they seem to be content to submit to cutting off almost everything not absolutely essential to animal subsistence.

Their fare is meager in quantity and cheap in quality, and they reduce house-rent to a minimum by packing incredible numbers in the smallest rooms. In this country they have no such incumbrances, even nominally, as wives and children, and at home they have really no wives and are totally unable even to comprehend what Christians mean by that word. They have women, but in China, and with the Chinese wherever they go, women are slaves, not wives.

They cannot be said to be in their persons a specially uncleanly people. As respects their habitations, everything about them exhibits the last degree of squalor.

Their amusements are barbarous and inexpensive. Their peculiar sexual vices are flagrant, repulsive, and odious; but as their efficiency and thrift as a laboring class are well-established facts, it must be true that their vices of whatever kind are within the limits, as to the numbers practicing them to any destructive or disabling extent, which are consistent with such qualities.

They are comparatively exempt from the vice of alcoholic drunkenness. I am not disposed to deny the justice of the description given by Kleczkowski, a recent writer upon Chinese, of "the admirable industry, the patience, and the indefatigable tenacity of the Chinese

workmen, their frugality, their contentment in ill-fortune as well as in success, and their gaiety in the midst of labor." His other statement that "the aptitude of the Chinese for commerce surpasses even that of the Anglo-Saxon" is less agreeable to the pride of our race and will be less readily accepted. Its correctness will appear more possible, however, if it is considered that economy in personal expenditures is as much a support in the rivalries of commerce as it is in the rivalries of labor.

THE CHINESE AT HOME.

We have in China proper, sometimes called the Middle Kingdom, on an area of about one million three hundred thousand square miles, a nation whose civilization in substantially its present condition antedates the Christian era hundreds and perhaps thousands of years. They are a prolific race, and the population has become so dense that they are forced to maintain constant struggle, not always successful, for the barest and most meager subsistence. Their necessities force them to be careful husbandmen. They keep up the fertility of their lands by irrigation and the utilization of every scrap of manure within their reach. Of eight hundred and thirty-one millions of English acres, a report made to the Emperor in 1745 described five hundred and ninety-six millions as under actual cultivation. These figures may not be exactly accurate, but that they make the best use of every available acre is the concurrent testimony of all travelers.

Medhurst, a missionary in the East, who published, in 1842, an account of China, says (page 33) that they are "incessantly employed," "untiring in their exertions to maintain themselves and their families." He says further, page 39:

Notwithstanding all their diligence and care, the people in most of the provinces find a difficulty in procuring the necessities of life; many die of actual want, and many more are obliged to migrate.

Of the extreme penury in which they live, when they are fortunate enough to preserve life at all, he says, page 38:

A room twenty feet square would offer sufficient space for a dozen people to eat, drink, work, trade, and sleep.

And again, page 37, he says:

Instead of beef and mutton, the Chinese have recourse to dogs and cats. In default of these they have no objection to make a dish of rats and snakes; and cockroaches and other reptiles come in to be used either as food or medicine by a people who are frequently driven to great straits for want of subsistence. Animals that die of disease and those already far gone in a state of decay are eagerly devoured by a hungry peasantry.

A bad harvest, arising from drought or from any other cause, consigns millions of them to hopeless misery and death. The famine which raged there a year ago far outstripped in range and in the number of its victims the disaster of that kind of the previous year in India, which exceeded all the means of relief within the resources of the British government.

THEIR RATES OF WAGES.

With this constant pressure of population against the limits of subsistence, wages are at the minimum consistent with the support of life under favorable circumstances, leaving a greater or less proportion of laborers to perish from absolute want when circumstances are unfavorable.

William N. Olmstead, in mercantile business in China from 1862 to 1870 with Oliphant & Co., says (Report, page 332) that farm laborers in China are paid \$4 per month and board themselves.

Thomas W. Jackson, in mercantile business at Mingho from 1861 to 1867, says (page 1125) that he hired them there extensively for four or five dollars per month, they boarding themselves; that their food costs about \$3 per month; that they spend "extremely little on clothing," and that "the wealthiest of them live almost as cheaply as the poorest."

S. Wells Williams, secretary of the American legation at Peking, thirteen years in China and a warm advocate of Chinese emigration to this country, says (Report, page 1245) that "the average wages of these men at home may be reckoned at less than \$3 per month rather than more; but their clothes cost them little in so warm a climate, food and rent being the chief items."

The extreme lowness of their wages at home is illustrated by the very trifling inducement offered to them in the labor contracts under which they are carried to Peru and Cuba, where such contracts are specifically enforceable. In Peru these contracts secure them only \$4 per month, in addition to such food and clothing as they require, and are for a term of eight years. (See testimony of Joseph G. Cadiz, Report, page 1135.) This inducement of \$4 per month, with food and clothing, is strong enough to tempt tens of thousands of their numbers to cross trackless oceans to unknown lands.

On this general statement of the capacity of the Chinese as laborers, and of the rates of wages and kind of subsistence to which they are accustomed at home and with which they have learned to be content, it is not surprising that they have largely displaced Americans on the Pacific coast, in lines of employment not requiring the largest measure of bodily strength or some training in which Americans have a special proficiency. They have substantially monopolized and driven white labor from such trades as cigar-making, box-making, sash, door, and blind making, boot, shoe, and slipper making, bag-making, the manufacture of ladies' and children's wear, and clothing generally; gold placer-mining, farming, fishing, gardening, fruit-picking, peddling fruits, vegetables, and fish, and laundrying. The same thing is true of labor in railroad building and leveeing. Even

in the lumber camps they are monopolizing all but the hardest work. About seven thousand Chinese domestic servants have excluded white women generally from such occupations as cooks, nurses, dishwashers, waiters, &c., (Report, page 33.) If they have not driven white labor from public buildings, streets, and sewers, it is only because "public opinion restricts work in that way to white men." (Governor Low's testimony, Report, page 88.)

HOW THEY DISPLACE, NOT ASSOCIATE.

The same willingness and ability of the Chinese laborer to live upon less wages than his white competitor, and consequently to drive the latter from employment, enables in like manner the Chinese employer of labor or trader to force his white competitors from the field.

Frank M. Pixley, as the representative of the San Francisco municipality, arguing against Chinese immigration, said, (page 18 of Report:)

A Frenchman conceived the idea of introducing the manufacture of slippers into San Francisco, and did it. Every Chinaman whom he employed in turn became a manufacturer. It required no capital. A single piece of sole leather and the remnant of a carpet was the stock in trade; and to-day the Chinaman has driven France from the field, and occupies the position in the slipper trade. The cigar manufacture went through the same process. Originally the Germans had the cigar trade. In their zeal or overzeal for profits they introduced Chinese labor to their shops. They instructed Chinese cigar manufacturers, and to-day the Chinaman controls the manufacture of cigars in the city of San Francisco. The same result has been partially accomplished in the shoe trade, especially in the making of coarse brogan shoes. And so in very many of the trades, they have either driven out the white people entirely or they have driven their profits down to starvation points.

From the nature of the case the Chinese, if they are permitted to come here, will inevitably displace American employers as well as American laborers in all branches of trade, manufacture, and production for which their capacity is approximately equal. All that they need is the necessary capital, which their thrift will speedily accumulate here, and the education and training in certain branches they now lack, but which they are fast acquiring under the teaching and patronage of American employers. Their aptitude for traffic in merchandise, and especially in a retail way, is universally recognized.

The Senator from California, [Mr. SARGENT,] in his able speech in this body on the 7th of last March, quotes the following description from Commodore R. W. Shufeldt, of the United States Navy, of the decay of the once flourishing English and American mercantile houses in the China ports:

The merchant prince is a thing of the past; his son or his nephew may wander through deserted banquet halls, among cracked crockery and dingy furniture, but despite imitated airs of hauteur and arrogance, his prestige is forever gone. *Carthago delenda est*. The Chinaman, while patiently playing the rôle of servant, has learned the language and tricks of the trade, and to-day he is emphatically master of the situation.

Mr. SARGENT adds:

What is true of Shanghai, Tien-Tsin, Ningpo, Amoy, Hankow, and all other Chinese ports is true of California, the Sandwich Islands, and all other places where the Chinese gain a permanent footing. Our great American houses in San Francisco trading with China are fast contracting their business or carrying it on as tolerated and tributary to the Chinese firms.

Their mode of living entails slight expenses on even their most wealthy merchants, and the result is that they yearly absorb more and more of the foreign trade.

HOW THEIR COST OF LIVING CONTROLS WAGES AND EMPLOYMENT.

T. H. King, who has spent many years in the east, says (Report, page 1117) that in both China and Japan the Chinese are rooting out foreign merchants, English, American, &c., by "their cheap mode of living, whereby they can compete or afford to transact business at far less and make profits."

The same "mode of living" and the same "slight expenses," given by the Senator from California, [Mr. SARGENT,] as the explanation of the fact that the Chinese merchants of San Francisco "yearly absorb more and more of the foreign trade," must and do enable them to absorb more and more of the domestic trade. Successful competition in any of the avenues of industry or trade with a race that gives up having a family, lives on dried fish and rice, and is content to sleep on shelves fifty in a room, is impossible for the white race, with its manifold and growing wants, which have become necessities.

In respect to their methods of living in this country, I can only present specimens of the testimony which is of one uniform tenor.

HOW THEY LIVE IN CALIFORNIA.

Amos Bainbridge, a police officer in San Francisco, (Report, page 220,) says:

They pay less rent individually probably than any other class of people in the world, and still they pay a greater rent for a building in the aggregate by probably 100 per cent. than any of our poor classes of white residents. I have seen as many as forty or fifty in a room of this size, say, twenty-two feet square. Usually in a room like this they would have an upper deck, a second floor. They would raise a floor elevated enough to be able to walk underneath. Generally they cook in the same rooms. In some of the more crowded places, where the smoke would be a little more than they could stand, they would take their cooking out into a general hallway. Their cooking appliances generally are composed of a coal-oil can or something of that kind and a brick in the bottom.

A. Badlam, assessor of San Francisco, (Report, page 255,) says:

They take an ordinary story of twelve feet and make three separate stories of it and fill them as closely as they will pack with Chinamen. My poll-tax collectors in going through Chinatown go into every hole and corner. The stories they tell me are perfectly wonderful of how the Chinamen pile in; they find them so thick.

A. M. Winn, of San Francisco, president of the Mechanics' State Council, says, (Report, page 331:)

They do not want more than two feet by six to lay down in. A hundred of them will occupy the room of a family of five or six.

Matthew Blair, of San Francisco, hay and grain dealer, says, (Report, page 991:)

There are fifteen hundred near me producing boots and shoes for our people. They live in six houses. The houses cost about \$1,500 apiece. They cook their victuals at six fires for that amount of people.

The following (Report, 191) is a part of the examination of M. A. Smith, a police officer of San Francisco:

Question. And how in respect to their crowding in quarters?

Answer. They get in very thick. We have often arrested them under this cubic air law. I know of one instance where we arrested thirty in a room, where there was only room for six according to the law.

Q. This room is about twenty-two feet square. How many Chinamen in their overcrowded quarters would inhabit or sleep in a room of this dimension? Just make a little mental calculation.

A. I should judge sixty would sleep in here—more at times, when they get very crowded. At the present time they do not get in so thick as they did before the cubic air law was passed.

Q. Is that in the absence of any law, at times when crowded? Is that answer a fair illustration of the mode in which they would sleep together at nights?

A. Yes, sir; in what is called the lodging-houses, places that they have for that purpose, or rooms that they would rent.

BUNKS AND BARRACKS.

Mr. Smith said further, (Report, page 197:)

A Chinaman's bed is composed of a kind of a mat, and a little square block like for a pillow.

Mr. Smith said further, describing arrests of Chinese under the (so-called) cubic-air ordinance, (Report, page 1143:)

We find them very thick right under the sidewalks and under basements. We would pass right along a sidewalk this way, [illustrating,] and they would have a room under that, and a great many men would be sleeping under the sidewalk in mere holes.

M. M. Estee, carrying on a farming property in Napa County, says, (Report, page 1000:)

While their habits of life are not exactly barbarous, that is the nearest that we can come to it. They live on what no white man can live upon. On my own ranch, where I have employed Chinamen in times past, they live weeks and months on nothing but rice and tea. Chinese muscle is the cheapest muscle in the world to-day.

Thomas H. King, now a merchant in San Francisco, says, (Report, page 93:)

I have resided in and long commanded vessels sailing out of Hong Kong, where all embark: been engaged in bringing them here in large numbers during long voyages, with competent interpreters, inquiring into and seeing their ways and manner and system of labor contracts.

On page 1118 of the Report, are found the following question to Mr. King and his answer:

Question. Do you imagine that the mass of them really receive more than six or eight dollars a month here for their own personal, actual use?

Answer. Not until the contracts expire. The first three, four, or five years, for their personal use I do not believe that they get more than four or five dollars per month.

THEIR ABILITY TO INCREASE AND ORGANIZE EMIGRATION.

Two causes will certainly operate to make the evil effects of Chinese immigration, if it be permitted to continue, disastrously greater than they are now.

1. An increase in the number of immigrants.
2. A diminution in their wages or gains to which they can and will submit in order to maintain their position in this country.

As to the possible or even probable increase in the extent of Chinese immigration, if it be not arrested by legal restrictions or popular violence, it is not easy to assign limits. China proper contains, according to most of the authorities, a population of four hundred millions. Asiatic methods of enumeration are not supposed to be very reliable, but it is proper to mention that a Chinese census taken about sixty years ago made the population three hundred and sixty-three millions, and a more recent one four hundred and twenty millions.

At the latter estimate the population would number three hundred and twenty-five to the square mile, which is not incredible. Ireland, an almost exclusively agricultural country, when its population was greatest, contained two hundred and fifty-eight to the square mile. It should be stated, however, that some authorities put the Chinese population considerably below four hundred millions. Our late minister to China, Governor Low, does not rate it above three hundred millions. The latest estimates of the Russian statisticians make the population of the entire Chinese empire 519,000,000. It has commonly been estimated that the dependencies outside of the middle kingdom contain 100,000,000. The Russians have a large intercourse with China, and are doubtless well informed.

In the case of India the first actual census, which was taken quite recently under British authority, returned the numbers at 237,000,000, whereas the approved estimate before the taking of the census was only 180,000,000. There are so many points of similarity between India and China that the result of the Indian census tends to suggest the possibility that an enumeration made under trustworthy supervision would enlarge rather than diminish the present assumed numbers in China.

AN INEXHAUSTIBLE RESERVOIR.

However that may be, it is at all events enormously great. The Chinese in the whole empire are, perhaps, one-third of the population of the globe. These overwhelming numbers are separated from our shores by only four weeks' sail across a tranquil ocean. The possible magnitude of the emigration from China may be inferred from the fact, which is thoroughly established, that all the emigration to

the United States, as well as to other countries, has been furnished from one-fourth of the area and inhabitants of the single province of Kwang-Tung. This area includes the city of Canton, and has only about five millions of inhabitants, the entire province containing about twenty millions. The extent of the past emigration may be inferred from the fact that only one-third of it has been to the United States, the other two-thirds having been to Peru, Cuba, the Australian colonies, and elsewhere. (See *Revue des Deux Mondes*, June, 1876.) It now seems probable that the Australian colonies will refuse to receive any more of it. It would doubtless all come to this country from its closer proximity to China and its superiority as a labor market if it was not partially kept out by popular resistance.

Speaking in round numbers and without any pretension to a minute accuracy, which is neither attainable nor necessary in this discussion, it may be said that ordinary Chinese laborers receiving at home monthly wages of from \$3 to \$5 find those wages increased on the Pacific coast to from \$25 to \$30.

The cost of the subsistence of Chinese laborers is certainly no greater here than there. It is very clear that a much less difference than now exists between the wages of Chinamen at home and in the United States would cause them to come here. Their present wages here might be reduced 75 per cent. without preventing their continued immigration.

POPULAR RESISTANCE TO THEM, AND HOW IT WORKS.

Looking, then, to the magnitude of the whole population of China as the primary basis and measure of its capacity to furnish emigrants, we see that it is from sixty to eighty times greater than that portion of its population which has furnished emigrants down to the present time. And it will not be doubted that many, many more Chinamen would have already come here if their coming had not been checked by various forms of popular resistance.

This resistance has sometimes been made through the channel of political influence upon official authorities in the way of excluding them from work connected with public expenditures, as stated in the testimony of Governor Low, already referred to. Sometimes it has been made through laws such as those relating to taxes upon miners, either so framed or so administered as to press specially upon Chinamen. Sometimes it takes the form of compelling manufacturers not to employ Chinese, by the moral coercion of publishing their names if they do it, and holding them up to popular obloquy. Sometimes, too, by associations bound not to purchase anything manufactured by Chinese labor. And sometimes it has been shown in outbreaks of popular violence, which more than once within a few years past have been so threatening in their character as sensibly to affect the influx of Chinese, and to even cause the departure of some of them from our shores.

WHAT IS THE REAL ISSUE?

But the question is as to the effect of such a measure of Chinese immigration into this country as is possible and probable if that immigration, already unobstructed under national laws and treaties, shall no longer be obstructed by local laws or methods of administration or by popular violence. Congress cannot sanction an immigration of any kind, unless upon the theory that it will advance the public good. To give national toleration to an immigration with the expectation that local resistance and popular violence will prevent and expel it, is to invite disorder, commotion, and massacre.

This country is fresh from the discussion of the effect upon free white labor of the enforced labor of Africans. Undoubtedly the dissimilarities between the labor of negro slaves and that of the Chinese who are now here or who may come hereafter are numerous, but in their effects the points of resemblance are even more numerous, and a full discussion will satisfy the country that the evils and dangers of Chinese labor are incomparably the greater.

ARE THE CHINESE AN INFERIOR RACE?

The Chinese, quite as much as the negroes lately held in slavery here, are a distinct race not only in color, but in more essential particulars, from the European races. They are in this country held and treated as an inferior race. They are precluded from intermarriage with our population of European descent by insurmountable prejudices, and are made a subordinate caste by exclusion from the rights of citizenship. If the performance of labor by negro slaves tended to discredit labor, as all observers agree that it did, the same effect from the performance of such labor by Chinese is inevitable. It is not creditable to human nature, but none the less true, that indolence and misdirected pride combine to make it easy to cause labor to be despised. What is difficult is to cause it to be held in its just place of honor as one of the best supports of all the virtues. A famous people of antiquity, in order to train their youth to abhor a particular vice, compelled their slaves to practice it. Labor even more easily than vice may be made odious by devolving it upon races regarded as inferior and actually dominated over as such. The mischief has a far wider operation in the Chinese case than in the late case of the negro slaves, because the latter, from their special aptitude and limited numbers, were principally confined in their employment to the field labors of agriculture, whereas the Chinese occupy nearly the whole range of industrial avocations.

It is said that the Chinese in this country are not slaves, but free-men, and that they not only possess but actually exercise and know how to exercise effectively the right of free laborers to insist upon the

highest wages possible under the varying conditions of the labor market, and that their competition in that market differs in no essential particular from that of other free laborers.

CHIEF LABOR IS SERVILE LABOR.

It is certainly true that the Chinese are as thrifty in their bargains for wages as in other bargains. They never reduce their wages any further below the wages of white laborers than is requisite to obtain the desired employment. Many of the witnesses whose testimony is found in the report say that the wages paid to the Chinese on the Pacific coast would not be called low in the Atlantic States. Governor Low says, (page 32:)

Chinamen do not work under price very much. A Chinaman will get as near the price as he can, and when he can do better he leaves and does something else.

The injury to the white laborer is completely and irreparably done when the Chinaman underbids him at all in the price demanded for employment. It is no advantage to the white laborer that the Chinaman goes no further in underbidding him than is necessary to carry his point. It would be the employer and not the competing white laborer who would be benefited if the Chinaman instead of being what he is, an adroit and persevering stickler for all he can get, was simple enough to accept one-half or two-thirds of what he might obtain.

The fact that "*Chinamen do not work under price very much*," diminishes by so much the profit made out of him by the community. The fact that they are ready to "*work under price*" to the extent necessary to command the employment which is offered, is a decisive one to the white laborer. And the further fact that they can and will, when necessary, reduce their wages to the lowest limits consistent with subsistence on a scale impossible for European races, makes the case of white men as competitors in the labor market an absolutely hopeless one.

Before the abolition of slavery in this country the owners of negro slaves competed with free white laborers either by hiring out their negroes at so much per month or per annum for the use of them, over and above their support, or by producing by means of their labor, cotton, tobacco, wheat, &c., for sale.

MEAN COMPETITION IS DESTRUCTIVE.

In either case the owner of the slave, just as the Chinaman now does, got all that was possible to be obtained for the labor he had to dispose of. The competition of the owner of the slaves was dangerous to the white laborer in precisely the same way and from precisely the same fact that Chinese competition is so. The owner of slaves was able, if forced thereto, to hire them out or use them in agricultural productions at any remuneration not less than the bare cost of that kind of subsistence to which they were accustomed. The free white laborer in the same lines of labor found himself competed with by a kind of labor which was certain to be employed at a remuneration so much lower than he could himself accept as to insure at any rate a priority of employment for the whole body of the negro slaves. The competing labor belonged not to the negro but to his owner, and under that system it was the free master and not the slave who was the real competitor of the white laborer.

This fundamental fact of the competition of a labor certain to be exerted for the reward of the coarsest subsistence was no more a result of the lately abolished system of African slavery than it is of the Chinese immigration. In truth, the competition of the latter must prove to be more overwhelmingly disastrous, because the labor of a free Chinaman working for his own subsistence and from the hope of gain, will be more efficient than that of a slave who worked only on coercion. Furthermore, after the prohibition of the African slave-trade, in 1808, there were limits to the increase of the number of slaves in this country, and in consequence partly of the limitation of numbers and partly of their characteristics, they were used only in special employments. The Chinese, on the other hand, have already invaded, or are sure to invade, nearly all branches of industry, skilled and unskilled, and no bounds can be set to the extent of their immigration if it shall be made both legally and practically free.

DIFFERENT CONDITIONS GOVERN OUR LABOR.

It is an entire mistake to assume that the competition of their labor with white labor is governed by the same principles which control the competition between white laborers themselves. The latter must have the comforts of life; and especially, unless all their ideas founded upon race, intelligence, morals, and religion can be revolutionized, they will never give up what is comprehended in the sacred term *family*; wives to be honored, protected, and cherished, and children to be nurtured and trained for the duties and opportunities of life. They will not surrender these for the purpose of qualifying themselves to encounter the competition of the semi-civilized hordes of Asia. The *doctrinaires* who can see nothing beyond the platitudes of free-trade in the labor market will discover that abstract theories of labor are one thing and actual laborers in flesh and blood another and quite a different thing, and a very much more unmanageable thing.

It is proper at this point to consider whether the actual condition of the Chinese in this country is free or servile.

ARE THE CHINESE FREE MEN OR SLAVES?

The general term slavery has been applied to conditions differing in many particulars from each other. While there are points of re-

semblance there are numerous and important points of difference between the slavery of ancient and modern times and between the existing slavery of some oriental countries and the African slavery which still prevails in some parts of this hemisphere. The peonage of the Mexican differs from all of them. It is of very little consequence whether the Chinese in this country are called slaves or freemen. It is only important to know the actual circumstances which make up their condition.

It is certain that the slavery of males in any sense in which slavery has been understood in this country does not exist among the Chinese at home except in rare instances. It is impossible that it should exist to any considerable extent in any country where wages are down to the level of a bare subsistence. Property in men will not be asserted when labor yields no margin of profit. The (so-called) coolies of China and of the East Indies are male laborers. They are not slaves in the sense that they belong to individual owners. Nobody wishes to own them or would consent to own them. Females in China, on the other hand, in many instances have a pecuniary value, oftentimes high, for degrading uses, and it is substantially accurate to say of the whole of them that they are born, reared, and die as slaves.

The male Chinese are free laborers at home, and their emigration is free, not compulsory. It is made on the basis of their own contracts, tainted no doubt by more or less of fraudulent and cajoling misrepresentations, but still voluntary. But their freedom is to a large extent bargained away under those contracts, and when they have been transplanted under them to foreign shores, they sink into a servile or semi-servile condition. And to whatever extent it becomes servile, it is none the less truly so because it results from a contract freely made.

THE CONTRACT SYSTEM—HOW IT IS MANAGED.

An enormous proportion, probably ninety-nine hundredths, of the Chinese emigrants to this and other countries are completely destitute of means. The expenses of their emigration are advanced by contractors under some form of agreement which shall secure repayment and a profit. There are two forms of these contracts:

First. A contract of the laborer or cooly to labor for a given rate of monthly wages for a specified time, this contract being assignable by the party to whom it is given. The cooly pays the cost of his emigration by giving such a contract. He does not become the debtor of the party advancing such cost, and his whole obligation is defined in the contract.

Second. A contract of the laborer or cooly that there shall be deducted out of what he may earn the sum advanced, or represented as advanced, to pay the expenses of his emigration with such bonus, interest, and other charges as may be agreed upon, and it is always certain from the nature of the case that the bonus, interest, and other charges will be extortionate and unconscionable.

Contracts in the first form are made with emigrants to Peru, Cuba, and the Sandwich Islands, where a specific performance can be legally enforced. The unhappy persons who are deported under such contracts are slaves to all intents and purposes. Whatever the stated term of service may be, it is practically for life, the calculation and practice of the purchaser being to use up the laborer by hard tasking during the stipulated term. The assignments of such contracts scarcely differ in effect from bills of sale of the laborers themselves, and command nearly the same price. Chinese coolies are sold in lots in this form in Peru at a price of from \$350 to \$400 per head, (testimony of Joseph G. Cadiz, Report, page 1135,) and at not less prices in Cuba. The actual cruel slavery of coolies in those countries is not a matter of dispute, and is a reproach to the civilized world.

In this country contracts to labor at specified rates and for specified terms if entered into for an adequate consideration and without fraud are lawful, but they are not specifically enforceable. The remedy against a laborer for the breach of such a contract is a suit at law, which if successful terminates in a judgment for the damages occasioned by the breach, which, like any other judgment, may or may not be collectable. There is no law to compel the specific performance of a labor contract. If there were, men might make themselves slaves by their own act, and no free and enlightened government will permit men to sell themselves any more than it will permit them to sell others.

FAMILY EN-SLAVEMENT IN CHINA ENFORCES LABOR CONTRACTS IN AMERICA.

The Chinese coolies sent to this country are precisely the same class sent to Peru and Cuba, but instead of being sent under contracts to labor at specified rates for specified terms, they are sent under contract to repay out of their earnings the cost of sending them here, swollen by interest and charges of various kinds. We need no proof of the nature of bargains, where the parties are poor and ignorant laborers on one side and cunning and unscrupulous speculators in flesh and blood on the other side.

Now, while it is true that those engaged in the cooly contracting business have no specific power under our laws over the contracting laborers when landed here, they have as a matter of fact under all the circumstances surrounding the case a power falling very little short of that exercised over such laborers in Peru and Cuba.

These speculators in labor begin by requiring the coolies they bring here to furnish as surety for their debt obligations their nearest relatives at home. There is scarcely any point in Chinese law which is not obscure to foreigners, but we know that among the Chinese

debt has terrors for those who cannot pay which not infrequently drive the debtor into suicide.

It is not at all doubtful that this bond on relatives operates powerfully to hold the coolies to a performance of the terms, however hard they may be, of the contracts under which they obtain the means of migrating.

HOW THE SIX COMPANIES GOVERN THEIR SERFS.

These contracts contain provisions for the benefit or supposed benefit of the cooly, such as furnishing him medical assistance in case of sickness. The stipulation made to carry his body back to China in case of death is one to which he attaches a superstitious and most extraordinary importance. Ignorant of his rights here, almost cut off from the opportunity of learning them by the great difficulty (described by S. Wells Williams, Report, page 1252) which he has in learning any new language, and being necessarily dependent for guidance when he first arrives here upon those who bring him, and fearful of forfeiting such of the stipulations in his contracts as are in his favor, he has controlling motives persuading him to submission. It is also abundantly established that the Chinese maintain in this country a species of *imperium in imperio*, by which they impose upon their countrymen Chinese rules and customs.

They have tribunals sitting in secret, to the decrees of which they compel obedience by measures which are effective. It is shown by the testimony that coolies attempting to evade their debt contracts are subjected to violence by a special class of Chinese known as "High-binders," who not infrequently, executing the decrees of this secret tribunal, inflict the death penalty. It is also shown by the testimony that the return of the cooly before he has paid his debt, while not absolutely impossible, is exceedingly difficult. The speculators and speculating companies importing the coolies are such important and valuable patrons of the steam lines by which they are principally brought that the steamships refuse to carry any of them back who are pointed out as being still in arrears on their contracts. On the sailing days of these steamers Chinese agents, "High-binders" and others, are on the watch at the wharves, and no cooly spotted by them as a defaulter and attempting to run away is allowed to depart.

It is, of course, impossible for us to understand exactly all the ways and methods by which this peculiar people, separated from us by the triple wall of distrust, a strange language, and Asiatic ideas, manage their affairs among themselves. But we know beyond a peradventure, by the sure test of visible results, that in some way those who import ship-loads of coolies to this country are enabled to enforce the bargains under which they bring them; not, to be sure, so perfectly as it is done in Peru and Cuba, but to a sufficient degree to render such bargains safe and profitable to those who advance the money. If that business was not on the average safe and largely profitable it would not have been carried on with such eagerness and upon such a scale and over so long a period of time without interruption.

COOLYISM IS SLAVERY.

The Chinese coolies sent here are precisely of the same classes as those sent to Cuba, and their condition here is for some period of time only one degree less servile than it is in Cuba. But after all it is not the question of servitude or freedom which is the important circumstance as affecting the competition of his labor with that of our own people. Whether his earnings are wholly for himself or partly for others is of the greatest possible consequence to him personally. But the only thing important to the competing American colonies is his ability to subsist upon little and his readiness to work for little, however that readiness may be brought about.

The arguments in favor of Chinese emigration differ in no essential particular from those which were thought to justify the importation of negro slaves to this continent. The development of its virgin resources called for workers of which Europe then had but few to spare and Africa many. Without doubt the period of development of those resources was materially hastened by the African slave trade.

It is true in like manner that the execution of many public works, and the opening and extension of many branches of manufacturing industry were hastened and promoted on the Pacific coast by Chinese labor. But it is certain in both cases that the earlier supply of one class of laborers was purchased at the dear cost of the loss of a later supply of a better class of laborers.

The direct and immediate advantages of the cheap labor of inferior races easily blind employers to the considerations which always make such labor prove at last a delusion and a snare. The advantage to employers is not merely the saving of money, but there is the other advantage quite as much appreciated by them that cheap labor implies laborers easily controlled, whether the cheapness arises from having the laborer in the condition of a slave or by having such a competition among laborers for employment as to compel them to accept any rate at which it may be offered.

PRO-CHINESE ADVOCATES SNEER AT FREE LABOR.

Two elaborate arguments in favor of Chinese immigration were made before the special congressional committee, one by F. A. Bee, who appeared as the attorney of what are known as the six Chinese companies, and the other by B. S. Brooks, who said that "he claimed to represent the interest and the opinion of the people of the State of California." Mr. Bee said, (page 48 of Report:)

Mr. Pixley places great stress upon his argument that the ten thousand Chinese

domestic servants in this city crowd out and displace the same number of poor white girls.

It is quite significant that our well-to-do citizens employ this number of Chinese in their families; it is a direct denial of his statement made here that our people were of one accord in opposition to the Chinese.

Surely he does the domestic drudgery of seventy-five thousand of our population, and you will notice that men of both political parties utilize his services in all and every calling. If there is any calling in which he is a direct divine blessing, it is that of a domestic servant; he is the balance-wheel which protects the mistress and housewife from imposition, and relieves her of the idea that servant and mistress are on an equality.

He holds the balance of power against Bridget, as he does against trades unions, and is hated and persecuted by both alike.

Mr. Brooks said, (pages 51 and 55 of the Report:)

If you pass through these streets day and night you see thousands of idle people, people who if you offer them work will ask you all sorts of conditions, where is it; how is it; what is it; shall I have this; shall I have that; shall I have the other thing. They dictate terms to you, and these must be just so and so; otherwise they will stay as they are.

I do not believe there is a farmer in this State who would consent to part with the Chinamen. I mean by farmers the owners of the land which is cultivated, men who cultivate land themselves. If you mean the farm laborers, these men in the street who have been spoken about, I do not know their opinion; neither do I care much about it. I wish we were rid of them.

There can be no doubt that the views expressed by Messrs. Bee and Brooks are entertained loosely and vaguely in many quarters. They grow naturally out of the controversies which are inseparable from the conflicting interests of employers and employed, but they will not bear the test of a thorough examination.

ENDURING WEALTH RESULTS ONLY FROM FREEDOM.

Apparently no scheme for the rapid creation and accumulation of wealth promised better than that of raising rice, tobacco, cotton, and sugar in our Southern States by African slaves, in whom was found the rare combination of great bodily vigor with a docility which made it practicable to obtain their labor at the cost of the coarsest subsistence. The scheme failed in practice. In the long run and upon a large scale the cheap labor of inferior races never cheapens production.

When wages are high and workmen educated and intelligent, there is a greater general capacity in the community to avail itself of the forces of nature and of labor-saving expedients and appliances.

Thus we know that the business of weaving cotton cloth has been transferred within a century from the labor of the East, which is nominally the cheapest reckoned by daily money wages, to the labor of England and the United States, which is really cheaper reckoned according to its efficiency as aided by machinery more cunning than human hands.

It is thus, too, that the wheat of this country is able to compete in the British and other markets with the same grain produced by servile or very poorly paid labor in countries where land is equally fertile and abundant. American plows, harrows, and reapers, American modes of transportation and handling, enable this competition to be sustained while the American scale of wages is still kept high.

ALIEN AND CHEAP LABOR DESTROY CIVILIZATION.

These and other illustrations, which might be indefinitely multiplied, demonstrate the unsoundness of the proposition that the introduction of a cheaper laborer is no more injurious to the American workman than the introduction of labor-saving machinery. The cheaper laborer prevents him from getting employment, whereas the improved machinery, by making his labor more efficient, secures to him better wages and more abundant employment. Nothing is more certain than that labor is more in demand and more highly rewarded in proportion as machinery and labor-saving appliances of all kinds are multiplied. So, also, there is nothing more certain than that labor is less in demand and receives, even when it can obtain employment, a less proportion of the product of industry in those countries which adopt as their policy the introduction of the cheap labor of inferior races. The prejudices against the introduction of machinery as being injurious to laborers have long since given way before the practical demonstration of the fact that just in proportion as labor-saving appliances increase the aggregate production of a community the greater is the fund to be divided between capital and labor, and the laborers always get a share, even if not so great a share as they are entitled to, of the increase of that fund.

But from this statement of the reasons for the well-established fact that the better-paid labor of more advanced countries is able to sustain and triumph in the competitions of commerce over the cheaper labor of less advanced countries, it is apparent that they only apply when the cheaper labor is employed in the native *habitat* of the cheaper laborer and under the circumstances which there surround him. When he is transplanted to those countries in which the machinery and appliances and conditions of superior civilization exist these reasons do not apply, or apply with diminished force, and the competition of the cheaper laborer becomes ruinous. A reversed case, but illustrating the same principle, is the recent example of the rapid expansion of cotton-weaving in India with English machinery operated by Hindoo labor, both the machinery and labor being set in motion by English capital. It is these artificial conjunctions of low wages of barbarous or semi-civilized peoples with the appliances of advanced progress which the educated laborer of the United States and Europe has good reason to fear.

CHEAP LABOR CANNOT BE PROFITABLY USED OUTSIDE ITS HABITAT.

No man ever executed such great works in various parts of the globe and under such diversified circumstances in respect to the labor employed as the English railroad contractor, the late Thomas Brassey. It is related of him by his son that he always declared it to be the result of his experience that the money cost of different quantities of work was not substantially different under widely different rates of money wages. But Mr. Brassey said this in respect to railroads and similar works where cheap labor was employed in the native countries of the cheap laborers, and it is only in such cases that his observation can be sound. It is certainly true that there are temporary advantages to employers from the use in civilized countries of the cheaper labor of the Chinese. The history of many public works, notably the railroads on the Pacific slope, fully attests that fact.

But it is the duty of legislators to take a larger view, which shall embrace the permanent as well as the temporary effects of the use in this country of such a mass of Chinese laborers as is sure to be precipitated upon us if the way is opened to it.

CHINESE CIVILIZATION NOT PROGRESSIVE.

The civilization of the Chinese is the most ancient on the globe. It has undergone no change since it first came within the observation and knowledge of the European world. It is fixed and unprogressive. The theory of the world's progress through evolution is generally accepted; but the processes are so slow that practical statesmanship cannot take cognizance of remote possibilities in the character of the races of man, but must deal with them as they are. We know that it took more than a thousand years to elevate the inhabitants of Europe to their present condition from the preadial servitude which degraded and brutalized them in ancient times. It must take still longer, if it be conceded to be possible at all, to effect an equivalent elevation in the condition and character of the Chinese, who are remarkable for nothing in a more striking degree than for their inaptitude for improvement and for their obstinate opposition to all changes. The incrustations of past centuries have made them what they are, and it will require unknown future centuries to make them essentially different. If at some remote period the Chinese shall have advanced to a place in the scale of races which shall make them fit associates with us in the occupation of this continent, the legislators of that future time may invite their coming. But for us the duty is plain to act on the facts as they now exist. In the most favorable view of the Chinese, in respect to their existing civilization and advancement in the arts, they are far below the white race in Europe, and still further below that race as improved and developed by the stimulus of the greater opportunities of this virgin continent. If we could substitute the Chinese for our present population, we should drop from the level of European civilization to the level of Asiatic civilization, and with all the consequences of such a descent.

ADMISSION OF CHINESE INVOLVES OCCUPATION BY CHINESE.

For the restless energy and unlimited inventive capacity of white men we should have substituted the immobility of the Mongolian, and we should find only too soon that we had destroyed the possibility of advancing in wealth and in the arts, and of even maintaining our position in either, by following the *ignis fatuus* of cheap labor. If we permit the Asiatic to come, he will come in such numbers that we shall have an Asiatic population. With Asiatic cheap labor we must take Asiatic ignorance and stagnation.

And besides dealing with these multitudinous new-comers we shall have to deal with our present population which will be thrown out of work by them. During the existence of African slavery under the circumstances of the South, in respect to largeness of area and sparseness of population, the classes of persons known as "poor whites," destitute of property and deprived of the opportunity of laboring for wages, hung on the outskirts of civilization as a tax and burden, but had not yet become a social and political danger, when the whole system came to an end in the course of events. The only industry of which these "poor whites" had any knowledge was that of agriculture, and they were content to eke out a livelihood by squatting on remote and poor lands, over which the rights of private proprietorship had not yet been practically asserted.

THEIR COMPETITION UNDERMINES CAPITAL AS WELL AS DESTROYS LABOR.

The classes thrown out of employment by the Chinese invasion come within no such description. They include farm laborers, but they are also the artisans, mechanics, and laborers of cities and towns, and as they successively lose employment by the cheapness of competing labor, which it is impossible for them to rival, they are turned into the streets to starve, steal, beg, or be supported at the public charge as paupers. Added to those who are willfully and viciously idle they constitute a revolutionary element of portentous magnitude and inevitably to become greater as the incoming tide of Asiatic immigration rises higher and higher. The theory that this immigration is to flow in under our present population and elevate it to the positions of masters, employers, and capitalists is the iddest of fancies.

Hitherto in this country the numbers of the capitalist class have been kept up, and in a normal condition of prosperity kept more than stable, because the more fortunate, more industrious, and more frugal of the wage-earning class are continually passing up into the class of employers and receivers of income. But this beneficial and salutary process would be at once summarily and fatally arrested if

through the employment of slaves or by the introduction of such a race as the Chinese the laborer is incapacitated from aspiring to a higher grade, but on the contrary doomed either to the lowest form of labor or reduced to idleness and beggary. When slaves were most abundant and the slave-rolls of the patricians were largest, the condition of the Roman people was at its worst, and the proud descendants of Romulus depended upon ambitious aspirants for the daily distribution of bread given as a largess for political influence and votes.

If the opponents of this bill expect to control the Chinese and at some distant day to render Asiatic industry thoroughly subservient to national aggrandizement, it would be far preferable to attempt that task on Chinese rather than upon American soil.

With such designs in view we should conquer and hold China as England holds India, as the Dutch hold Java. I say nothing as to the morality, possibility, or policy of such a conquest, but it would be for the opponents of this measure a legitimate selection of the right means and proper method for the end they have in view, whether or not such end be justifiable. But if we admit the Chinese into our country without restrictions, our servitors will become in time our conquerors, and "the course of empire" will be sadly and fatally reversed for us. The capacity to exist upon a quantity and quality of food which will not support, sustain, or develop our own laboring class would soon enable this barbarian horde to drive from the field of competition both employed and employer, and the end will be an Asiatic occupation of America.

WE MUST CONQUER, BE CONQUERED, OR EXCLUDE THEM.

In proportion as this subject is investigated and considered, the wider its scope is seen to be. The security of property is at least as important as the facility of acquiring it, and nothing so surely destroys the incentive to its acquisition as the insecurity of it when acquired. Upon what basis will rest the stability of government and the safe tenure of property if our population becomes largely Asiatic, whether we admit them to the ballot-box and a share in the control of public affairs or whether we undertake to govern them as a subordinate political caste? The strikes of white laborers may be annoying, and their demands, like those of employers, may not always be reasonable; but their training and traditions, hopes and family ties, make them upholders of law and the ready, sturdy defenders of the Government against its enemies, foreign and domestic. What is there in the social and political history of China to induce us to exchange our population and our civilization for theirs? How much reflection has been given to this subject by those who advise that we introduce into our body-politic this race, well known to possess crafty methods, violent passions, and a reckless disregard for their own lives, apparently and perhaps really submissive so long as their numbers are few, but capable of conspiring arson, murder, and revolution under cover of signs and a language incomprehensible to us, and restrained by no moral, religious, or political ideas whatever?

Here, where as yet they are in a small numerical minority, we see them patient and unresisting under even insult and injustice. But they are not so elsewhere under other circumstances, nor will they here be always so if their immigration is permitted to go on unrestricted.

John Rogers, rear-admiral United States Navy, says, (Report, pages 1020, 1021, 1025:)

I suppose I was, in all, three years in China. I was twice there commanding a man-of-war. I had very good opportunities of learning what intelligent people said of the Chinese.

From some cause or other they had very few troops at Singapore in 1853; and in India generally the proportion of Europeans is very small. They apprehended in Singapore that the Chinese would rise then in 1853, and I was waited upon by a deputation to send my marines on shore to meet eventualities. There were intelligent Chinese there who had influence over their countrymen, and who had prospered exceedingly under English rule. They were very strongly in favor of law and order, and in favor of English supremacy, and they used all their influence to dissuade their countrymen from violence, and eventually it passed off. In Java, where there is a very large population, the Dutch are comparatively few. The Chinese and Javanese of course are many. There are about thirteen million inhabitants in the island of Java. In 1853 they said it was ten million. The Dutch government creates antipathy between the Chinese and the Javanese purposely, so that they may hold one another in check; but it is said that the Chinese there are unquiet and not to be kept in order; that except for apprehension they would take the government to themselves.

I know the Chinese were unquiet in Hong Kong where they have an English garrison and English men-of-war.

CITIZENSHIP OR CASTE—BOTH DANGEROUS.

If we admit the Chinese into this country we must naturalize them and give them all the rights of citizenship, including that of suffrage, which would deform and debauch our institutions at the most vital point, or we must establish caste and have a large and increasing portion of our population in social and political subjection. The condition of things under the latter alternative would be plainly unrepugnant, and would weaken our powers of resistance against enemies, domestic and foreign. It would transplant among us an alien people having nothing in common with our own population, eager for any change, and ready for any enterprise that promised it. We should be liable always to insurrection and compelled constantly to be on our guard against it, and nothing is more certain than that this alien race, disfranchised, and therefore secretly hostile, would swell the ranks of any invasion strong enough to give them hopes of its success. The same Chinese treachery to the Spaniards which enabled the English, under Admiral Cornish and Sir William Draper,

to carry Manila by storm in 1762 will be repeated against us whenever the opportunity is offered.

OUR FOES IN PEACE OR WAR.

We shall construct navies and fortresses and store arsenals with munitions of war in vain, if we throw away that cheapest and surest defense of nations, the unpurchasable patriotism of a homogeneous people. The statesmen of America have looked to California, Oregon, and the adjacent States, present and prospective, as seats of American power and prestige on what Mr. Jefferson called the "endless shores of the Pacific," fronting and dominating Asia and all the islands of the great sea. But those possessions instead of increasing the strength of the Republic, if we suffer them to be filled up with a Chinese population, will become its most vulnerable point.

Admiral Rogers says, (Report, page 1022:)

China, with her poor, her thrifty, her intelligent, educated, and very industrious population, is able and ready to send men to fill all California's demand for labor. The effect of this will be to build up a state of society such as existed in the Southern States before the rebellion. This condition would be profitable for the master while it lasted, but it would be insecure, and there would some day be a terrible awakening to the fact that an alien race occupied all the places of labor, and that we had a class of population which could neither be sent away nor kept. There can be no secure prosperity where the operative and the capitalist are not of the same race.

Possessed with an idea that their own civilization as it is the oldest is also the best, and that their own manners are more refined than ours, and their laws more perfect, clannish and indifferent to life, such a people will not rest under foreign rule longer than they think they are obliged to.

If some great cotton lord in England should say to his workmen, "You ask too much wages, you live too expensively, you drink beer, and you eat beef, I will import Hindoos who eat only rice, who never get drunk, and whose fingers are more dexterous than yours," he would be unwise, his course would lead to riots, if not to revolution.

This evil, enormous in its actual proportions, unmeasurable in the dangers which it menaces, afflicts as yet only the Pacific coast, and it is too new to be properly appreciated outside the limits to which it is now confined. But when its real nature comes to be understood, those, of whom I am one of the representatives, have an undoubting faith that they can rely for relief upon the justice and patriotism of the other States of the Union quite independently of any appeal to their interests.

HOW THEIR EMPLOYMENT DESTROYS AMERICAN MANUFACTURES.

But if such an appeal is needed there are abundant grounds for it. Unless this Chinese immigration is checked it will invade all the States one after another. Even if it never goes beyond the Pacific slope, its influence will be still felt in every part of the Union. To whatever extent it occupies that inviting field for enterprise and industry, it cuts off the opportunity of the people of other States to better their condition by migrating to it. Even if the Chinese emigration shall not extend east of the Rocky Mountains the effects of Chinese competition will be felt on the shores of the Atlantic. It has already diminished the sales of eastern manufactures on the Pacific coast to the extent that that market is supplied by home manufactures produced by Asiatic labor.

The attorney of the Chinese company (Mr. Bee) in his argument in favor of Chinese immigration before the congressional committee (Report, page 43) claimed that the sales of eastern manufactures had been reduced from forty millions to twenty millions by California manufacturers whose business depended upon Chinese labor, and who were thus enabled to send a large amount of goods such as cigars, axolen blankets, &c., to the East.

To the natural growth of competing manufactures in California by the increasing abundance of white labor the East would have no legitimate ground of objection. The eastern operatives would participate in the advantages of such a natural growth, some of them directly, by migrating to California, and the remainder indirectly, by the resulting diminished competition of laborers and higher wages at home. The competition between eastern and Californian manufacturers would be a fair one if production were prosecuted with the same species of labor.

THE STARVATION OF OUR OWN OPERATIVES.

But the competition is unfair and will prove ruinous if the populations of Asia are transported to the Pacific coast and securely planted inside of our tariff lines. This cloud may be no bigger to-day than a man's hand but may spread until it covers the whole horizon.

Frank Murther, cigar-maker, says, (Report, page 316:)

When I came out here myself I had as many as a hundred men writing to me from Chicago, where I was born, telling me if there was any show for a living to let them know. I had to reply that there was no show here.

A. M. Winn, president of the Mechanics' State Council, says, (Report, page 322:)

When men who are interested in the labor organizations in the Eastern States write me here to know if there is any chance for employment I write to them to stay away if they can get any employment; that the Chinese have filled all the places.

Admiral Rogers says, (Report, page 1023:)

If Chinese labor comes here without restraint no reason is apparent why California may not become the great manufacturing center of the United States and ultimately starve the operators of our eastern cities or drive them to Asiatic wages and conditions of life.

SELF-PROTECTION THE FIRST NATIONAL OBLIGATION.

In the presence of this great danger, and when means are sought to avert it, we are confronted with the obligations of treaties to affirm and deter us from adopting proper measures of defense. Self-preser-

vation is the plainest right and first duty of nations, as well as of individuals. If a treaty imposes terms which are found by experience to be injurious and pernicious, the thing to be done is to abrogate it and abide the consequences.

Vattel (see Book III, chapter 6, section 92) says:

If a state which has promised succors finds the furnishing the succors would expose it to an evident danger, this is a lawful dispensation. The case would render the treaty pernicious to the state and therefore not obligatory. Such a danger is tacitly and necessarily reserved in every treaty.

It was upon this sound view of national rights, obligations, and duties that General Washington's administration abrogated the stipulations which we made with France, in consideration of aid during the revolutionary struggle, to guarantee French possessions in the West Indies. It was with this view that Russia recently abrogated that clause of the treaty of Paris which condemned her to perpetual naval impotence on the Black Sea. The Burlingame treaty, so far as it authorizes Chinese emigration, should be abrogated without one moment's hesitation, however strongly the Chinese government might resist it. But there is nothing to show that the Chinese government would be in the slightest degree offended at the summary abrogation of the treaty. The facts attending its negotiation all indicate the reluctance with which that government accepted its provisions, for it has never favored the immigration of its subjects to this or any other country.

Governor Low, our late minister to China, spoke very cautiously when he said (Report, page 71) that the Chinese government was "perfectly passive" and "indifferent" in respect to the emigration of its people to the United States. The evidence decisively establishes the fact of its positive opposition to any quarter. And it may be added that this is one of the cases where evidence is really superfluous, for if it conforms to the common sense and common experience of mankind, it is unnecessary, and if it does not conform to them it is of no value. No historical case can be cited where any government or the governing classes of any country favored any other emigration than that to colonies. No such case exists to-day. Any other emigration means to governments the loss of soldiers and of taxpayers, and any emigration whatever means falling rents to landlords, rising wages to employes, and a diminishing number of supporters to the priesthood. Crowded as England is, its landlords view with regret the departure of farm laborers; crowded as Ireland is, the clergy discourage emigration. Ruinously low as wages are in Germany, the government of that country, while admitting theoretically the right of expatriation, impedes the exercise of that right in every conceivable way.

ATTITUDE OF THE CHINESE GOVERNMENT.

In Medhurst's China (page 41) it is stated that the government is equally opposed to both immigration and emigration, and although it winks at emigration from certain parts, it regards its subjects who go away as aliens and "outlaws." As an illustration, Mr. Medhurst states that when the Dutch authorities made some apologetic explanations to the Emperor of China of a massacre of Chinese at Batavia, he replied that he was quite indifferent as to what might happen to such of his subjects as were misguided enough to leave his "benign protection" for residences in foreign parts.

Rev. Otis Gibson, missionary in China from 1855 to 1865, says, (Report, page 497):

I do not think the Chinese government desire their people to come here.

William F. Babcock, connected with the house of Parrott & Co., of San Francisco, says, (Report, page 310):

The treaty was forced upon China. The Emperor of China and his officials, I am told by everybody who has lived there, preferred that the citizens of China should remain in their own country rather than emigrate, and the entire emigration comes from the British port of Hong-Kong.

T. Hart Hyatt, United States consul at Amoy from 1853 to 1861, says, (Report, pages 744-5):

I know the Chinese authorities do not want a single one of their people to come to California, nor to any other foreign country, nor would they allow it if they could prevent it. I have known them to seize the cooly brokers and nail them to a cross and let them there remain beside the public thoroughfare until they expired in the most dreadful agony. There is no crime that they punish more vigorously or look upon as more atrocious than that of decoying or kidnapping coolies into foreign ships.

Admiral Rogers says, (Report, page 1023):

The Burlingame treaty was not readily accepted in China.

S. Wells Williams, long secretary to United States legation at Peking, says, (Report, pages 1244 and 1249):

There is a general desire on the part of the government, no doubt, to retain its subjects in their own land, and, in the minds of educated men, every one who leaves is held to take the worst choice.

This portion of the treaty was urged upon the Chinese authorities by our own Government, and they accepted with some hesitation, allowing fourteen months to elapse before they would exchange the ratifications.

THEY WILL NOT OPPOSE OUR ACTION.

With this accumulated and unanimous testimony that the Chinese authorities do not desire the emigration of their people, it is idle to suggest that our legislative prohibition of the further immigration of the Chinese would give any offense to the Chinese government.

The Burlingame treaty was adopted by us without foresight of its consequences, and it is probably true of a majority of the treaties of this country that they have been mischievous rather than beneficial. It is always the itching ambition of diplomacy to do something, while it is often the dictate of sound statesmanship to do nothing.

Washington warned the country against "entangling alliances." If he had lived till this time, he might have enlarged the warning so as to include entangling engagements of any kind. Under no circumstances should we enter into any treaty fettering our absolute control of our own internal policy in respect to the duties and taxes we shall impose, in respect to the classes of people we shall admit into the country, or in respect to anything which concerns our home administration.

THE CONSTITUTIONAL POWER OF A STATE TO LIMIT ALIEN RESIDENCE.

It will be for the lawyers to point out if they can by what clause of the Constitution of the United States this Government is empowered to authorize the admission of such a species of population as the Chinese into the States, and especially into such States as may choose to prohibit it. Looking at that instrument with the eyes of a layman I find nothing on the subject except the following, which is well known to have been specially designed for the case of negro slaves:

The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year 1808, but a tax or duty may be imposed on such importation not exceeding \$10 per head.

This gives authority to tax until the year 1808, and to prohibit after that year any migration or importation of persons, but it does not give authority to force it upon the States.

Until the authority is pointed out I shall not believe it can be found, except in such a construction of the power of the President and Senate to make treaties as will extend it to all cases, whether without or within the scope of the jurisdiction of this Government as marked out in the enumeration of the powers of Congress. The scrupulous care with which that enumeration was made was thrown away if indefinite and universal jurisdiction can be assumed by the President and Senate through a construction of the treaty-making power.

In respect to "persons" as distinguished from citizens, the clause of the Constitution which I have read recognizes by limiting the power of the States to receive only such as they may "choose to admit." And I see no other limitation beyond one which results by a fair implication from the power of Congress to establish a "uniform rule of naturalization." But the implied power of Congress to authorize the immigration of such persons as it may think proper to naturalize cannot be invoked in the case, inasmuch as Congress has never authorized the naturalization of Chinese and is very little likely ever to do so.

In the convention now sitting to revise the constitution of California, clauses have been framed, and as I am advised will without doubt be adopted, asserting the complete power of the States to prohibit the introduction of "foreigners ineligible to become citizens," and directing the Legislature to exercise that power against the Chinese. California, as it seems to me, will be strictly within the limits of its powers as a State if it adopts this measure.

EMIGRATION—OUR HISTORICAL ATTITUDE THERETO.

Aside from the Burlingame treaty, it is said that Chinese immigration cannot be prohibited without a destruction of the spirit of our institutions and a violation of certain great unwritten fundamental principles which make this country an open and perpetual asylum for the poor, the needy, and the oppressed of all climes, all lands, and all races. The founders of this Government held no such principles. In the preamble to the Constitution they have declared very explicitly the object they had in view which was to "secure the blessings of liberty to ourselves and our posterity." They framed this Government, not to make this country an open refuge to all mankind, but to secure the blessings of liberty within its boundaries for themselves and their children. Undoubtedly they contemplated and favored immigration, but they had in view the immigration of our own race, the only species of free immigration then supposed to be possible. They favored this, not for the purpose of advancing the welfare of the immigrants politically, materially, or morally, but solely with the view of advancing the interests of their own country. They desired immigrants of their own race, in numbers sufficient to maintain the institutions of civilized society and to successfully resist assault, whether from within or without. The "blessings of liberty" are certain to be destroyed and not secured by an immigration of Asiatics who in thousands of years have never struck a blow or even had an aspiration for political freedom, and are absolutely incapable of understanding what liberty means.

The founders of the Republic were governed not by humanitarian views but by a wise regard to the interests of their own country. They wanted population and welcomed immigrants fit for citizenship. The area of the country was then already great, and was plainly destined to become greater. In their arraignment of the King of Great Britain in the Declaration of Independence they had complained of his obstructing naturalization. They made this complaint because such obstruction was inimical to the interests of America, and with no reference whatever to the interests of those who might wish to come to America. Their language was:

He has endeavored to prevent the population of these States; for that purpose obstructing the laws for the naturalization of foreigners, refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

SELF-INTEREST NOT SENTIMENT.

All the laws regulating immigration, from the adoption of the Con-

stitution to this day, are framed upon the principle of an exclusive regard to our own interests, and exclude any possible implication of benevolence toward anybody.

Who alleges or supposes that Canada or the Australian colonies, which not only invite immigration but assist and stimulate it by pecuniary aids and land grants, are actuated by any philanthropic ambition to become asylums for the human race, or by any other motive than that of promoting their own real or supposed interests? Who alleges or supposes that the Argentine Confederation or the Emperor of Brazil are animated by the desire of benefiting the Europeans whom they invite to their shores, or by any other motive than that of benefiting themselves?

Alexander Hamilton (Works, volume 7, page 99) says:

Instances of conferring benefits from kind and benevolent dispositions or feelings towards the person benefited without any other interest on the part of the person who renders the service than the pleasure of doing a good action occur every day among individuals. But among nations they perhaps never occur. Indeed the rule of morality is not precisely the same between nations as between individuals. Existing millions, and for the most part future generations, are concerned in the present measures of government; while the consequences of the private actions of an individual ordinarily terminate with himself. Whence it follows that an individual may on numerous occasions indulge the emotions of generosity and benevolence. But a government can rarely, if at all, be justifiable in pursuing a similar course. This conclusion derives confirmation from the reflection that under every form of government rulers are only trustees for the happiness and interest of their nation, and cannot consistently with this trust follow the suggestions of kindness and humanity toward others to the prejudice of their constituents.

THE RIGHT OF ASYLUM NOT INVOLVED.

The idea that the United States is to be the common refuge and hospital for all mankind is very largely a misconception and perversion of the doctrine of giving asylum to those who fly from the consequences of defeat in political controversies at home, in the sense of not surrendering them on the demand and to the mercy of the victors. This doctrine of asylum has been acted upon by our English ancestors more steadily and firmly than anywhere else. It is, however, an ancient doctrine, and in Mohammedan countries is a religious duty. This doctrine of asylum, or of refusing to surrender refugees charged with no criminal offense who have actually got themselves within the shelter of a nation's territorial jurisdiction, has no resemblance, except in name, to the new doctrine of asylum which proclaims it to be the duty of this country to invite everybody to come here and to receive everybody who chooses to come. The Chinese coolies who come here in ship-loads are not political refugees. No government is asking for their surrender or return which national dignity might require us to deny. The question is not of protecting a few persons after they get under our flag against the enterprises and demands of pursuers, but whether we can consistently with our own interests admit a vast mass of an incongruous race into an occupation of this country in common with ourselves. To that question the doctrine of asylum has no relation whatever.

RACE CONFLICTS—WHAT THEY HAVE COST US.

The greatest war of modern times was the civil war of this country growing out of the existence here of two incongruous races, whites and blacks. The war was preceded by fifty years of controversy, always on the verge of open hostilities, concerning the proper relations which should exist between these races. It has been followed by fourteen years of divided counsels and excited passions as to the best method of reconstructing society and government where these races are intermixed. No satisfactory solution has yet been had, and it may be that another century will elapse before it is found.

The Indian question is even older than the negro question. It was encountered by the first European settlers on this continent, and is still unsolved. No mode of assimilating with the Indian has yet been found. He cannot be enslaved, and nobody desires to enslave him. It is seen clearly that his destiny is to be exterminated. He has qualities which make us regret that no way opens for him to escape that fate. With exceptions which only illustrate the rule he cannot be made a citizen. Our intercourse with him for more than two centuries has been an uninterrupted history of injustice, cruelty, and war.

Of what insane root have we eaten that we shall add to the insurmountable difficulties of two antagonisms of race which already afflict us the greater difficulty of antagonism with a race to the numbers of which in this country no bounds can be set, because they will be supplied from the reservoir of the Chinese population at home, which is always overflowing, and the springs of which are only quickened by every overflow?

The Indian difficulty is the only one which was wholly unavoidable. If the slave-trade had been earlier arrested, and when many of the southern colonies would have arrested it but for the resistance of the British Crown, the negro difficulty would have been kept within manageable limits. It was left to grow until slavery became so incorporated with every fiber of the social system and intertwined with such vast property interests, which rested upon it, that the cost of its extirpation was a civil war which was the greatest tragedy of modern times. Shall we supinely suffer this Asiatic difficulty to grow until it becomes equally and even more unmanageable, and until we cannot be rid of it at any cost whatever? Already the Chinese constitute one-sixth of the population of California. That proportion of the present population of the whole country would be eight millions. That vast number for whose removal no conceivable measure can be suggested,

will inevitably be upon us unless we are speedily aroused to a comprehension of the danger. We shall find, as we did in respect to the negro, that we "have the wolf by the ears, and can neither hold him nor let him go."

We have the promise of relief in the platforms of the great political parties in the last presidential election, unless it is assumed that such platforms are only constructed for purposes of deception.

The republicans declared:

It is the immediate duty of Congress to fully investigate the effect of the immigration and importation of Mongolians upon the moral and material interests of the country.

They also resolved that—

Duties upon importations should be adjusted to promote the interests of American labor.

The plainest deductions from these resolutions pledge the republicans to resist Chinese immigration.

The democrats at Saint Louis declared:

We denounce a revival of the coolie trade in Mongolian women imported for immoral purposes, and Mongolian men held to perform servile labor contracts, and recommend such legislation within constitutional limitations as shall prevent the further importation of the Mongolian race.

PROTECTION TO INDUSTRY VS. IMPORTING ALIEN LABOR.

Many, if not a majority, of those who proclaim that all men are our brothers, and who are in favor of unlimited Chinese emigration, and who can see no injury to our own laborers through their barbarous competition, strongly insist that the laborers of our own race in Europe, already poverty stricken, should be reduced to still greater destitution by denying our markets to the products of their toil. To the charge of inconsistency in refusing admission to the results of European pauper labor, while favoring the unlimited admission of European paupers to compete here in our own soil with American laborers, they have replied that those immigrants cease to be paupers when they land on our shores, that they have the same capacities and the same aspirations as ourselves, and that once here they will no longer work at starvation wages. No other answer could relieve them of the charge of inconsistency. Without doubt it is a good answer in many respects, but it is not one possible to be made in the case of the Chinese. Until some period indefinitely long shall have elapsed they cannot assimilate with us, and until they do so they will not cease to be able, or willing, through their habits of life, to underbid our own people in wages. There is no fair ground upon which the Northeastern States can demand protection against the products of European pauper labor and at the same time insist upon the free immigration of Chinese paupers to compete here at home with the labor of American men and women.

A tariff can only afford protection against that cheap and starved foreign labor which is engaged in the production of articles of merchandise. But a very small proportion of the laborers of this and of all countries are employed in producing importable or exportable articles, but by far the larger portion are engaged in avocations which can only be pursued and in services which can only be rendered on the spot. And furthermore, all the labor employed in repairs and maintenance is necessarily resident labor. And so also of services in the whole range from bank clerks to domestics.

The same zealous interest in the welfare of the American laborer which would through protective tariffs secure him against the competition of importable goods manufactured by the cheap labor of Europe, ought to, and would if it were sincere, seek to protect him against a demoralizing contact with alien hordes from China and against a much more degrading competition which would confront him not in the manufacture of importable goods alone, but in every industrial pursuit.

POTENTIAL UNANIMITY OF THE PACIFIC COAST.

It is a decisive consideration that the people of the Pacific coast, who know from a sufficiently long experience the real character and effects of Chinese immigration, are opposed to it with substantial unanimity and with a heartiness of which there can be no doubt in any quarter. Their opinions are entitled to respect on this subject, because they practically know most about it and because they reflect a judgment not likely to be affected by idiosyncrasies of education or of local prejudices. California and the communities adjoining it are filled by a population drawn from all the sections and from every State in the Union. This population has been liberalized and made cosmopolitan by a large infusion of immigrants from the principal European nationalities. It is not claiming for them superiority in any offensive sense to say that the emigration to a region only to be reached by long journeys by land and sea must have embraced a full share of the vigor and enterprise of the States and countries from which they came.

In its indirect consequence this Chinese immigration now affects all the States. In time it will invade the States if it continues as unobstructed as it is now. But at present it has only reached and only directly affects the Pacific States and Territories, and in that sense it is at present a local question. Upon our theory of government and upon any method of administering government which has ever permanently succeeded, the judgment of localities as to what their interests are, and the wishes and even prejudices of such localities, are entitled to the first consideration in settling local questions. But the earnest and unanimous judgment of the Pacific coast upon Chinese immigration is no temporary prejudice. Its own first impressions were rather

favorable to that immigration, and were only yielded after a long trial of it. Its judgment is now fixed and will never be changed. It is no local prejudice, but it is the same judgment which is formed upon it in all the British colonies, widely scattered as they are and various as are their conditions. Opposition to Chinese immigration is the same in British Columbia as it is in British Australia, and there is no other difference in the degrees of it except that it is most thorough, earnest, and unanimous where immigration is the largest and has been the longest continued and where its results are best known.

CHINESE RESISTANCE IS EVERYWHERE RESISTED.

Whenever laborers are really a free and independent class they resist the servile competition of the Chinese. The negro slaves of Cuba and the peons of Peru, whose condition can be made no worse, may acquiesce in it, but laborers of the description found in this country and in the English-speaking colonies of Great Britain do not acquiesce in it and never will. The judgment of the Pacific coast upon it is not to be treated as a local prejudice or as the result of a temporary local excitement when the same judgment is pronounced upon it by free people everywhere who have had experience of it.

Aside from the antagonism of free labor to the Chinese as servile competitors, the antagonism of race between them and the Caucasian is not confined to the English-speaking nationalities, but is universal, and has been manifested by other nationalities in much the most decisive and bloody forms. If the two massacres of the Chinese in Manila, one of twenty-three thousand and one of twenty-five thousand, can be ascribed to the cruel character of the Spaniards when their passions are aroused, no such explanation can be given to the massacre in Batavia of twelve thousand Chinese by the patient and phlegmatic Dutch. The danger of the repetition of such dreadful scenes elsewhere is not one which prudent statesmanship will needlessly court.

A CHEAP SENTIMENT OR TRUE HUMANITY.

Under all aspects I insist that it is monstrous, upon any fanciful plea of misdirected humanity or to round out any abstract theory of the brotherhood of white, black, and yellow men, to attempt to force the Mongolian upon the Pacific coast. The people of that region protest, against being made an experimental field in which to test any political formula whatever, and especially one which they know has already dismally failed. The Eastern States by their local position will be for a long time yet exempt from the intermixture with their Christian civilization of the barbarism of the Mongolian. It will be most invidious and oppressive if they shall take advantage of this exemption to force that intermixture upon their protesting fellow citizens elsewhere.

Both humanity and wisdom dictate the multiplication of the best races. It is only in this way that the sum of human happiness can be most largely increased. To the extent that an inferior race is admitted into this country the better race will be kept out. Philanthropy, if it is directed by intelligence and forethought, will never counsel the populating of this continent with Mongols to the necessary exclusion of the Caucasian race.

In all the views of a wise and comprehensive philanthropy, the best service which the United States can render to China and to all the other barbarous, benighted, and semi-civilized regions of the earth is to preserve the purity of its own superior race and to develop in the highest degree its own better civilization. It will thus be made strong to assist the weak instead of being brought down to their level. If the work of evangelizing and truly civilizing the Chinese is possible at all it must be performed upon their own soil. It may be the mission and the glory of this country to take part in that good work at some not distant period. It will be forever disabled from taking part in it if it suffers everything which it has already attained and everything for which it hopes in the future to be ingulfed by a Mongolian irruption.

ASIATIC WAGES BRING ASIATIC CONDITIONS.

No historical example suggests the possibility of the amalgamation of two distinct races. One will dominate, and either exterminate or enslave the other. Intermarriage with the Chinese is not proposed. It would be impossible, and it would be hateful if possible. Nature abhors mongrelism, and has effectually interdicted it. The mongrel soon disappears, unless crossed back upon one of the pure original stocks. If all the races are of one blood, they have been assigned each to its distinct locality, and by a higher wisdom than ours. If it is true, as some believe, that they all spring from one stock, it is a truth which all will admit that the point of time when they diverged is remote beyond all the traces of history, written or monumental, and that the period of time when they will converge and meet again is likely to be quite as remote.

If we receive the Chinese at all, it must be as a lower caste, neither admitted nor admissible to our political or social equality. Republican institutions with such a population would be plainly impossible. Government with such conditions must be maintained by despotic methods, and would never be secure with any methods. We cannot have a cheap, semi-servile labor and a body of reliable and patriotic citizens at one and the same time. If we have Asiatic wages, we must have Asiatic conditions of society and political rule.

HOW A HIGH CIVILIZATION HANDICAPS THE SUPERIOR RACE!

We are often tauntingly asked how it is that with all the boasted superiority of our civilization and race we are afraid or unable to

compete on equal terms in the race of life with the despised Mongols, and that with all our advantages we cannot hold our own against them. The fear is said to be an unworthy one which impels us to hinder their coming and to seek to banish those who have already come. Suggestions like these have a plausibility very likely to impose upon those who have not had a practical opportunity of observing the degrading effects of this barbarous competition. It is, in truth, precisely because our civilization is higher and our race more noble that we are at a fearful disadvantage. In the "race of life" with the Chinese we are not aided but handicapped by our love of liberty, by our religion, by our culture, by our courage, by our social ties, and indeed by everything which contributes to make us what we are. It is a contest in which the victory will be not for that race which will dare and achieve the most, but for that race which is ready to surrender most of all that makes life desirable. It is a contest in which we can only hope to succeed by giving up all the luxuries, comforts, conveniences, and even the decencies of life; by surrendering all hopes, all ambitions, and all aspirations; by repressing all the spiritual yearnings of the soul; by abandoning wives, children, and family ties, and by learning to be content to drag out a weary existence upon the little that is actually necessary to sustain animal life.

"THE SURVIVAL OF THE FITTEST."

The doctrine of the survival of the fittest means that the more sturdy and vigorous individuals of every species of animals, and the same thing is true of the vegetable kingdom, will live at the expense of the feeble individuals of the same species if there is a lack of room for all. But no such doctrine applies to the contest for existence between different races and species, in which the worst and meanest very frequently root out and survive the noblest and best. The unchecked weed will destroy the flower, and tares will destroy the wheat. The blooded beast, if uncared for and left to run at will, will either perish or degenerate to the level of the common herd. The beetle and the grasshopper will drive the lordly buffalo from his native plains. Even if we were willing to enter so degrading a race as that it would be with no certainty of success against those who have been trained for it by untold ages of miserable poverty.

If the ban of prohibition is not set up against the hordes of Asiatics who will, to better their condition, swarm to our shores, this ignominious contest and all its degrading consequences will eventually be forced upon us. Our race will never supinely permit itself to be subjected to such dreadful conditions. I am no alarmist, but I should be derelict in my duty to the country if I did not declare my solemn conviction to be that if the people of the Pacific coast fail to obtain from this Government a redress of the grievances of which they complain, they will rise up as one man and defend themselves, their families, and their institutions. It is admitted that they have the right to quarantine infectious and contagious diseases. Let there be no surprise if they shall assert and exercise the right to quarantine barbarism and that infectious leprosy with which the presence of this alien race would taint their morals, pollute the streams of their social life, and vitiate all the springs of their civilization.

CHINESE LIFE DEGRADES NOT ENSOBBLES.

But, Mr. President, the objections to the incoming of the Chinese are not based solely or even mainly on economical grounds. The greatest evil to be feared is the degrading influence which their presence will exert on our tastes, our morals, and our manners, and upon our civilization itself. Chinese civilization is purely an economical one. There is not a humane feature in it. Good and bad, right and wrong, reward and punishment, are all commutable in money. If one Chinaman murders another he has but to pay a pecuniary fine, and justice is done. The *lex talionis* is unknown to the Chinese. In their sordid materialism they prefer a money compensation for any injury, no matter how sacred the right that may have been invaded. Indeed it is to be doubted if they are susceptible to any other than a material injury. If what De Gobineau says of this race be true, they have neither fine sensibilities to be ruffled nor honor to be outraged. Indeed they seem to be destitute of those attributes and passions that lie at the very basis of our nature and have had so much to do with molding our civilization.

SUPERIORITY OF THE WHITE MAN.

De Gobineau, in his "Diversity of Races," in contrasting the white with the darker races, says:

The white man is also characterized by a singular love of life. Perhaps it is because he knows better how to make use of it than other races that he attaches to it a greater value and spares it more both in himself and in others. * * * Yet, though he loves life better than other races, he has discovered a number of reasons for sacrificing it or laying it down without murmur. His valor, his bravery are not brute, unthinking passions, not the result of calousness or impassivity; they spring from exalted, though often erroneous sentiments, the principle of which is expressed by the word "honor." This feeling, under a variety of names and applications, has formed the mainspring of action of most of the white races since the beginning of historical times. It accommodates itself to every mode of existence, to every walk of life. It is as puissant in the pulpit and at the martyr's stake as on the field of battle; in the most peaceful and humble pursuits of life as in the highest and most stirring. It were impossible to define all the ideas which this word comprises; they are better felt than expressed. But this feeling—we might call it instinctive—is unknown to the yellow and unknown to the black races; while in the white it quickens every noble sentiment—the sense of justice, liberty, patriotism, love, religion—it has no name in the language, no place in the hearts of other races.

CHINESE CLANSHIP NOT SOCIAL OR HOME LIFE.

The Jews, the early Christians and the Mohammedans, all of whose ethical codes are derived from the same source, ordained years of jubilee and times for the forgiveness of debts, and established usury laws to protect the poor, to whom they appropriated the gleanings of fields and other benefactions. There is nothing of this sort among the Chinese. With them all debts must be paid yearly on pain of ruin and disgrace. Debts are never forgiven, and under certain circumstances the debtor, as among the Aztecs, becomes the slave of the creditor. They have no usury laws, and the capitalist is at liberty to extort from the laborer all that greed on the one hand and dire necessity on the other may agree upon. They have not now and have never had gleanings nor gleaners, and as for benefactions, they are quite unknown. Out of this sordid code of ethics there has grown an absence of morality which is even more repulsive. The Chinese practice few or no social duties. They have no patriotism, no national feeling, not even a provincial spirit. The single tie that binds one man to another among them is a rude spirit of clanship, and even this tie any of them will sever for a small pecuniary consideration. The moral qualities of social love, trust, confidence, sympathy, benevolence, and charity are all strange to them.

These qualities can no more grow out of their sordid code of ethics than grass can grow out of a glacier. When the æsthetic condition of the Chinese is examined, the degrading influence of their ethical code becomes apparent, for art has this striking peculiarity: its scope and meaning can be recognized at a glance. But few of our race are unfamiliar with the humanizing, the softening, the moral, the elevating tendencies and influences of art, of poetry, of the drama, of sculpture, of painting, of architecture, and of music. Few of us have not experienced them in some form or another. The solemn cadences of the Bible, Hamlet's soliloquy on death, Gray's Elegy in a Country Churchyard—all these are works of art whose influence we have felt. Who can help being affected for the better by witnessing such a play as King Lear or contemplating the noble face of the Venus of Milo, or the beatified lineaments of Murillo's Virgin, or the symmetrical proportions of some vast building, or the harmonious sounds of a grand orchestra? All these are forms of the beautiful, a familiarity with which constitutes what we call a cultivated taste.

The Chinese are almost as ignorant of them as the lowest animal that crawls upon the face of the earth. They have none of the fine arts. There is not a line of poetry in their language. What they call drama has neither plot, scenery, dialogue, action, nor moral. Their only statues are those of three-faced idols or other monstrosities. They know nothing of painting, not even of perspective. Their single specimen of architecture was the porcelain tower at Nanking, built in the fifteenth century and destroyed some twenty years ago by the Taiping rebels. As for music, there is satire in the mere allusion. Their musical instruments are deafening gongs, twanging bells, a shrieking fiddle in the form of a banjo played with a bow, and a penny whistle without stops. They have no notes nor tunes, nor any written music whatever; not even a national air. They do not play together, and seek only to produce noise and horrible discord. Such is the æsthetic condition of the Chinese. It is a type of their moral and ethical condition from which it naturally flows.

SHALL DEGRADATION BE FORCED ON THE PACIFIC STATES?

Mr. President, nothing that happens to a man is without its influence on his character; nothing that occurs to a community can fail to affect its civilization. The scenery which surrounds it, whether flat or hilly, wild or tame; the food it consumes, whether flesh or vegetable, scant or plentiful, even the very air it breathes influences its destiny. How much more is this not affected by the society it keeps, the races it harbors, the daily habits of life it permits! The Chinese constitute an eighth of the entire population of the Pacific coast. Will it be contended for an instant that the habits and morals of the whole population of that section are not to be affected in every way for the worse by the presence of so large an element of barbarism in their midst? Will our sister States east of the Rocky Mountains keep them subjected, for any longer time than is necessary for the discussion and passage of the pending bill, to the corroding influence of an increasing tide of immigration which I have shown to be destitute of those principles of justice, of morality, and of taste, which lie at the foundation of all that is dear to us and of all that is worthy of preservation? Sir, that universal feeling of brotherhood which should govern the dealings of the people of the United States, not with alien nations and races, but with each other, utterly forbids the harboring of such a thought.

AN IMPENDING CONFLICT.

On the Pacific coast to-day, for the first time in the history of the world, two distinct races, representing the highest and lowest civilizations, confront each other and contend for the possession of the soil with industrial weapons. The contest is at present a much more dangerous one than if the weapons were warlike. How it might be if the inferior race shall have received enormous accessions of numbers, may be more doubtful.

No nations understand better or have more reasons to endeavor to understand Asiatic resources than England and Russia. During the diplomatic struggle between them, which was terminated at the Berlin conference of last summer, Lord Beaconsfield surprised the world by ordering an Indian contingent to Malta. Russia, which had been

unmoved by all threats of European combinations, paused in view of this manifest determination of England, to arm, if need be, with the most approved weapons of modern warfare, the unnumbered hordes of the East, and precipitate them like an avalanche upon her adversary on the soil of Europe itself. Count Schouvaloff declared that this movement was a menace and a danger to western civilization, and he and his imperial master recoiled before it.

The movement of the Mongolian to the occupation of Australia, of the islands of the Pacific, and of the western shores of the United States is but yet in its infancy. The dangers with which it is pregnant have not yet attracted general attention. Now is the time to deal with it. Every day's delay will make the difficulties greater, and especially, if prompt measures of resistance on the part of Australia or of other menaced regions shall tend to concentrate more of the movement upon us.

WHAT MUST FOLLOW CHINESE IMMIGRATION.

I have expressed the opinion elsewhere, and will repeat it here, that when a country occupied by a highly civilized and progressive race, with cultivated wants and tastes, is invaded by an inferior race of unlimited numbers, whose civilization has culminated, whose wants are few, and whose powers of endurance and production are great, one of four things must happen:

The invading immigration must be stopped before it becomes too great to be dealt with:

Or the immigrants must be reduced to slavery.

The superior race must sink to the level of the inferior:

Or it must be driven out by it.

Plainly it is only the first of these alternatives which American statesmanship can entertain.

I am disposed to accept the bill sent to us by the House, and with a good degree of confidence that it will substantially terminate the Chinese immigration. A limitation to fifteen of the number which can be brought in by any one ship or steamer in one voyage will at any rate reduce the immigration to narrow proportions. We shall no longer have steamer-loads of a thousand or more dumped on the wharves of San Francisco. The rates of passage-money must be materially raised under this bill. It is to be added that if the bill proves in any respect ineffective it can be amended hereafter. The bill is a good one so far as it goes and is a long step in the right direction.

WHY CALIFORNIA IS UNANIMOUS.

Mr. President, it has often been stated, and the statement is doubtless true, that the people of the Pacific coast are a unit on this question. But it seems to me that the significance of this fact has never been properly appreciated. Why is it that among a cosmopolitan people, having the fullest opportunity for knowledge on the subject, there should be this universal concurrence of opinion on a public question—a concurrence that grows with the passing days and strengthens with the recurring years?

Let me endeavor to answer the question by a brief recapitulation of the reasons for this unanimous judgment of the Pacific coast.

BECAUSE EVOLUTION NOT STAGNATION IS WANTED.

We object to the presence of the Chinese now in our midst, and to their further incoming, because their ideals of excellence, of beauty, and of right and wrong, differ so radically from our own as to leave us without a common standard by which good and evil may be judged; because his race is the antipode of ours in hopes, fears, traditions, philosophy, and religion. He turns his back on the future and we ours on the past. His religion teaches him to look toward the past and to propitiate his dead ancestors by making sacrifices over ancestral graves, while ours teaches us to look to the future and seek the approval of God by doing good in the present and by making sacrifices for posterity. We oppose the incoming of the Chinese because their civilization is stagnant, and imbedded under the petrified layers of uncounted centuries of oppression, superstition, and tradition, while ours, fresh and new, is instinct with progressive activity. We oppose their incoming because assimilation with us would mongrelize our own population and corrupt our civilization, and non-assimilation with us would precipitate race feuds and end in the establishment of caste and perhaps slavery—institutions obnoxious to free government.

BECAUSE LIBERTY IS IMPERILED.

Their incoming would fill our country with aliens in peace and enemies in war. They would bring nothing to us in exchange for the advantages they would receive—neither art to refine, science to guide, philosophy to teach, nor religion to elevate. We oppose their coming because our people want homes, not harems; wives, not slaves. Because the Chinese, being socially and politically indigestible, will breed incivism. Because their coming involves an irreconcilable struggle between two antagonistic civilizations and races. Behind the one is fifty centuries of fossilization, and before it darkness and decay; behind the other is constant toil, struggle, and martyrdom for freedom and right, and before it the bright sunlight of a more glorious civilization than has yet illumined the world. We oppose their coming because our sturdy Aryan tree will wither in root, trunk, and branch, if this noxious vine be permitted to entwine itself around it. We oppose them also because, besides the duties we owe to our own race, we owe a duty to that other people brought here by our ancestors from Africa, who are now making a praiseworthy struggle to rise in the scale of life, and to whom it will be a new and cruel injustice to

make that struggle a hopeless one by introducing the labor competition of the swarming hordes of Asia. Because a failure on the part of Congress to heed the repeated petitions of the people of the Pacific coast and to redress the wrongs of which they complain will tend in the end to weaken the love and respect with which they regard their Government, if it does not actually breed disloyalty. It will lead that people to believe that in dealing with questions vital to their interests you prefer to indulge in gauzy, sentimental abstractions concerning the universal brotherhood of diverse races, or at best that you prefer to secure to capital the ephemeral advantages of cheap labor to the establishment of the permanent well-being and prosperity of our own race; that you prefer a hybrid population, with all its debasing tendencies, to a free, progressive, and homogeneous people.

BECAUSE OUR CIVILIZATION IS ASSAILED BY THEIR PRESENCE.

Mr. President, race counts as the greatest factor in the progress and decay of nations. De Gobineau, in his exhaustive treatise on the diversity of races, establishes with wonderful clearness the fact that the decadence of a once powerful empire was never due to popular vices, or to the tyranny of its rulers or to the extravagance of its rulers or people, but to the admission and admixture of a lower race. In the concluding sentences of his volume he says that the proofs are irrefragable that nations degenerate only in consequence of, and in proportion to, their admixture with inferior races.

The greatest dangers that have ever menaced this country have arisen from contact and contest with alien races in our midst, and, sir, we oppose Chinese immigration because it will multiply and intensify similar dangers in the future.

We cherish no bitterness of feeling for the Chinese, but we demand that they be kept out of our household because they debauch and contaminate our youth with their degrading and nameless vices and drive our manhood from the fields of industry and poison the very fountains of economic order with their slavish virtues; because they come among us slaves of conditions more powerful than law; because they accept with willing, slavish obedience all the conditions of servitude; because it is fatally true that if we, by contact, do lift them a little above their original dull, dead inanity, they drag us far down from that high destiny which ages of heroic effort and self-denial have fitted us to inherit, and whereto our race climbs with such continuous, unflagging, and elastic step; and, finally, because it thwarts the wise designs of our National Constitution, which its framers declared in its preamble was ordained to establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.

Supervisors of Elections.

SPEECH OF HON. J. A. McMAHON,

OF OHIO.

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 25, 1879.

On the Southard amendment to the legislative bill to repeal the law for supervisors and deputy marshals of elections.

Mr. McMAHON. Mr. Chairman, we are engaged in a contest for free elections, and are making a stand for the rights of the naturalized citizen. Let us maintain ourselves with courage and resolution. Gross misrepresentation is attempted as to the effect and purpose of the repeal of sections 2011 to 2031 of the Revised Statutes of the United States, providing for the appointment of supervisors of elections and special deputy marshals for election purposes.

The gentleman from Maine [Mr. HALE] says:

The proposition to repeal all these sections takes hold, and violent hold, of the whole body of criminal law applicable to the purity of elections in the South and ruthlessly repeals it.

The gentleman from Ohio [Mr. GARFIELD] says:

Gentlemen, you seek to cut out twenty sections from the body of the criminal laws of the United States, and virtually declare that the crimes of ballot-box stuffing, fraud at the polls, intimidation, and outrage of voters, may go without check or observation by national authority; that to poison the very fountain-spring of the elective franchise shall be no crime against the nation; and that all the machinery for punishing it shall be destroyed.

Both these gentlemen are wrong. The sections to be repealed are not found in the body of the criminal law. They constitute the political machinery by which the party in power may manipulate elections. They provide for supervisors of election at every poll, and they authorize the appointment of an unlimited number of "special deputy marshals," whose duty consists, theoretically, in seeing a fair election and a fair count, but whose practice has been in the past and will be in the future, under the control of either party, to corrupt, browbeat, or intimidate the citizen in the exercise of his right. The only crimes created or defined in these sections consist in interference by any person, whether under State laws or otherwise, with the actions of these electioneers for their masters. And the party in power is not only enabled to pay its expenses out of the Treasury, but to punish all who may throw obstacles in the way of its success. An inspection of the Revised Statutes proves the truth of my statement. The statutes of the United States have been codified and ar-

anged. The arrangement is by subjects. There are many distinct titles. Title 70 is devoted to crimes, and chapter 7 of that title is devoted exclusively to "crimes against the elective franchise and civil rights of citizens." It extends from section 5506 to section 5532, inclusive. Sections 2011 to 2031, inclusive, are not found in this title or chapter. They are to be found under another and distinct head. The title ought to be: "means to enable the party in power to perpetuate itself indefinitely."

In order to know what statutes to preserve the purity of elections and a free and fair ballot are preserved upon the statute-books and are not affected by this repeal, let me refer to and analyze some of the sections not repealed.

Section 5506 punishes severely any person preventing or delaying any citizen from registering or voting. Penalty \$500 or imprisonment not more than one year.

Section 5507 punishes with the same penalty any person who controls or intimidates any colored voter by means of bribery or threats of depriving such person of employment or occupation, or of ejecting such person from a rented house, lands, or other property, or by threats of refusing to renew leases or contracts for labor, or by threats of violence to himself or family. (Note: It will be observed this section protects only the colored voter.)

Section 5508 punishes any persons who conspire to intimidate voters, or who go upon the highway in disguise to hinder them in the exercise of the right of voting.

Section 5511 punishes any illegal voting whatever; voting twice, voting at the wrong place, or any intimidation or bribery of any other voter, or any intimidation or persuasion of an officer of election to receive an illegal vote; any interference with any officer of the election; any inducement or persuasion to him to declare a false result or do a wrong act; and this section covers almost every case of wrongful interference with the elective franchise. The penalty is not more than \$500 fine, or not more than three years' imprisonment, or both.

Section 5512 punishes all fraudulent registrations; all wrongful acts in regard to registration, whether by voters or officers; all intimidation during registration; and reaches all injuries in this connection.

Section 5515 punishes severely every election officer who in any way fails to perform his duty, or who fraudulently performs it, and any person advising or procuring him to do it.

Section 5520 punishes any one who conspires to prevent any voter from giving his support or advocacy in favor of candidates for Congress or electors for President or to injure any citizen in person or property on account of such support.

Not one of all these minute, carefully drawn, ingenious criminal statutes is in any way affected by the repeal proposed.

Hence the gentleman from Maine [Mr. FRYE] and my colleague from Ohio [Mr. GARFIELD] have taken a position they cannot maintain. They have stated propositions which are not true. They can scarcely be charged with having erred from ignorance of the law. This would be too violent a supposition. And it leaves us no alternative but to believe them willing to mislead the people for partisan purposes. This is a serious charge against public men who are the acknowledged leaders of the republican party upon the floor of the House; but it must stand as a true one so long as their remarks are not explained or withdrawn. The gentleman from Ohio was remarkably incorrect in his statements.

The democratic party does not propose to repeal the whole body, nor any part of the body, of the criminal law, except such as makes it a crime to interfere with a deputy marshal or a supervisor of election. And this we propose to repeal, because we hope to repeal at the same time all laws authorizing their appointment, or their interference with elections. All the laws for the protection of voters, for free registration, for free elections, and pure elections, are left untouched, as the gentleman from Ohio well knows.

But we regard the laws to be repealed as being no aids to the purity of the ballot-box. We regard them as the means of corruption and oppression, expensive to the people, and liable to constant and scandalous abuse as they have been in the past. The system is too great a temptation and too powerful an agency to be intrusted in the hands of either political party.

Mr. Chairman, to make this matter plain, let me state briefly what are the provisions of the sections we propose to repeal. Upon the application of two citizens, in any city having over twenty thousand inhabitants, or of ten in any county whatever, the circuit judge of the United States court is to appoint two supervisors of election for every voting precinct in such city or county, who shall have power to choose any position at the polls they desire, with power "to scrutinize, count, and canvass each ballot" in the box, and to make returns thereof to the chief supervisor when demanded. Heavy penalties, including imprisonment, are imposed for any hindrance, molestation, intimidation, or obstruction.

Apart from the great expense attending the system (for each supervisor receives \$5 per day) and the unwarranted interference with State and local elections, and the inevitable conflict that necessarily arises, these provisions would not be so objectionable in themselves. In practice they have not produced the result theoretically intended. For the democratic supervisors selected have not generally been from the worthy or trusted class in that party, and in many instances have been only republican tools. And if the practice becomes general, as it likely will if the law is not repealed, we will before long be sub-

jected in every two years to the enormous expense of \$10 for every voting precinct in the United States, merely for the pay of supervisors, to say nothing of the additional expense for deputy marshals.

But the sections providing for special deputy marshals and their powers and compensation are those most objectionable. They are entirely indefensible and scandalous.

Upon the application of two citizens in any city having over twenty thousand inhabitants at the last Federal census, the marshal of the United States is compelled to appoint special deputy marshals for the expressed purpose of "preserving order, preventing fraudulent voting or registration or fraudulent conduct on the part of the officers of the election." The number he may appoint is unlimited. Their pay is \$5 per day; and they may be employed for ten days. Thus the marshal has it in his power to employ as many persons as in his judgment he may need, whose only occupation will be furthering the cause of the party employing them and intimidating the persons opposed, each one of whom may be paid \$50 for his services. The nominal duty of preserving order develops into unlimited zeal for the success of the ticket they are thus hired to promote.

A more scandalous law was never enacted under the pretext of preserving the purity of the ballot-box. The marshal of the United States is the creature of the President. The special deputies are the mere creatures of the marshal. There is no law nor any general practice requiring them to be equally divided between the political parties. And if the republican marshal selects so-called democratic deputies it is to keep them quiet, or with the express or implied agreement that they will vote for or possibly openly support the republican ticket. Under a democratic administration the rule would be the same, in all probability, only reversed as to parties. Thus the money of the people is profusely spent, and always will be, to bribe the needy or the indifferent voter, and the pretense of purity becomes the fact of corruption.

To conceal from the people the true workings and purpose of the law, certain frothy statesmen have attempted to throw over it the cloak of the "bloody shirt." They declaim about a new war, denounce the so-called aggressions of the South, and pretend that the proposed repeal is in the interest of that section. There are some gentlemen upon this floor whose political education has been so exclusively confined to denunciation of the South that they only open their mouths to let it flow out in unsavory volubility. But there are others whose ingenuity dictates this course. It has become usual to cover all the political crimes of the republican party with this well-worn and thread-bare garment. But a few facts and figures will tear off the cloak.

The South does not ask this repeal, nor is she much interested in it. A northern man has proposed the amendment, and the cities of the North have been mostly invaded. But the honest people of all sections cannot do otherwise than indorse our action.

Out of sixty-nine cities in the United States having a population of more than twenty thousand people at the last Federal census, fifty-five belong to the North and only fourteen to the South. Sixteen Northern States contain such cities, but only ten Southern States. The aggregate population of the fifty-five northern cities is 4,912,244, while that of the fourteen southern cities is only 1,206,134. There is no longer any doubtful Southern State, but there are many debatable ones in the North, and many doubtful congressional districts.

The following is a table of the number of such cities in each State, six Northern States and six Southern having none:

Northern States.		Southern States.	
New York	10	Delaware	1
Massachusetts	11	Maryland	1
Pennsylvania	7	Virginia	1
New Jersey	7	South Carolina	1
Ohio	5	Georgia	2
Illinois	3	Louisiana	1
Indiana	2	Alabama	1
Connecticut	2	Missouri	2
Michigan	1	Tennessee	2
Wisconsin	1	Kentucky	2
Minnesota	1	West Virginia	0
Iowa	1	Arkansas	0
New Hampshire	1	Texas	0
Rhode Island	1	North Carolina	0
Maine	1	Mississippi	0
California	1	Florida	0
Vermont	0		
Nebraska	0		
Nevada	0		
Oregon	0		
Colorado	0		
Kansas	0		
	55		14

It will be seen at once that the law is chiefly available in the North, and the anxiety of our republican friends against its repeal is not because of its power in the South. It has been used in the North as an effective measure of intimidation, and has been chiefly aimed against the naturalized voter. The republican party cannot forgive him the crime of voting the democratic ticket, and it takes every opportunity to harass and oppress him. The chief instrument of revenge has been that arbitrary and unscrupulous political tool, John Davenport, of New York City. And his recent exploit has been the most remarkable on record. It should be a conclusive argument against the republican party, which supports and indorses him, for every naturalized citizen in the land.

On the night before the election held in New York City last November four thousand affidavits were made before him as chief supervisor under the law we now propose to repeal, and four thousand warrants for arrest were issued, all of them against naturalized citizens. Hundreds of these unoffending, unsuspecting citizens were arrested on election day, when about to exercise their right to vote, and carried before this tool of the republican party. Let me describe what took place on that day, in the language of the counsel for one of the arrested men, who was an eye-witness to the proceedings:

Such a scene as the room of the court presented on that election day has never before been witnessed in this city, or in this county, and it is to be hoped never will again. From early morning until after the polls were closed these rooms were packed and jammed with a mass of prisoners and deputy marshals. Not only were they crowded beyond their capacity, but the halls and corridors were thronged with those who were unable to obtain admission, so that the counsel representing the prisoners and the bondsmen who were to be offered to secure their release had the greatest difficulty and were frequently unsuccessful in obtaining entrance. In addition to all this, was this delectable iron pen on the upper floor in which men were crowded until it resembled the Black Hole of Calcutta, and where they were kept for hours, hungry, thirsty, suffering in every way until their cases could be reached. With scarcely an exception these men had gone to the polls expecting to be absent but a short time. Many of them were thinly clad. Numbers had sick wives or children. Some were sick themselves. There were carmen who had left their horses standing in the public streets; men whose situations depended upon their speedy return; men who wished to leave the city on certain trains. Every imaginable vexation, inconvenience, injury, and wrong which the mind can conceive, existed in their cases, so that it was painful for the counsel, who were endeavoring to secure their release, to approach sufficiently near the railing to hear their piteous appeals and witness the distress which they had no power to alleviate. And over all this pushing, struggling, complaining crowd Mr. Commissioner John L. Davenport sat supreme, with a sort of oriental magnificence—calmly indifferent to everything but the single fact that no man who was arrested was allowed to vote.

And what had these men done? These warrants were all issued before they had voted. They were simply in possession of what were said to be illegal papers. And when they were arrested and brought before Davenport what was done with them? Let me quote again from the same argument, being the statement of an eye-witness:

As these men were brought up before the three commissioners who sat in judgment they were asked if they had voted. If they had not, they were required to promise that they would not do so. If to escape the terrors of Ludlow-street jail they surrendered their rights as American citizens and made the promise thus exacted, as the great majority of necessity did, they were released upon their own recognizance. If they did not they were held to bail. If they had voted (although if not naturalized such vote was an additional offense instead of a palliation for the crime charged against them) they were immediately released. After sundown, when the polls were closed and it was too late for any one to vote, the doors appear to have been thrown open and all set at liberty.

All these infamous proceedings against innocent naturalized citizens (for the court subsequently decided in a test case that they were innocent) were instituted under and made possible by the laws we now propose to repeal. Not one of these men was afterward tried or convicted for illegal voting. Their whole crime consisted in being in possession of naturalization papers which had been issued to them as far back as 1868, and upon which most of them had voted annually from that date to this, and all of them innocently and unsuspectingly.

It will scarcely be believed, but it is an admitted fact, that an "iron cage" capable of containing a number of prisoners was kept for John Davenport's uses, and that in it, in this free country, numbers of naturalized citizens were confined for the crime of devotion to the democratic party. It was sought to invalidate their papers by proof that the court which issued them did not keep a regular record. And these poor naturalized citizens were treated as criminals because the judge of some court ten years before had not performed, it was claimed, his duty. A test case was made, as I have said; the court decided that the papers were regular; but how many innocent men had been humiliated and degraded by being dragged into court as common felons! And, strange to say, they were all democrats.

To accomplish this infamous work in the southern district of New York, Davenport had the help of twelve hundred and twenty-five supervisors of election and thirteen hundred and fifty deputy marshals; and the cost to the Government amounted to the sum of \$59,267. We are now expected to pay these bills. Let us all say, "Never!"

What has been the expense of this system of preserving the purity of elections to the people of this country? How much have republican officials levied upon the United States Treasury to help them corrupt elections and harass the citizens?

I have before me the official figures, to be found in the report of the Attorney-General to one of the committees of this House.

In 1876 there were 4,863 supervisors, at a cost of \$106,419; and 11,610 deputy marshals, at a cost of \$111,612. Total cost, including certain fees, in 1876, \$275,296. This money was expended in the following States:

New York	\$166,020
Pennsylvania	33,590
California	10,208
Illinois	6,745
New Jersey	11,876
Massachusetts	2,083

Expense in Northern States 230,522
Balance in the Southern States.

It will be seen that out of \$275,000 spent in 1876, all but \$45,000 was spent in the cities of the North.

In 1878 there were 1,599 supervisors and 4,467 deputy marshals.

Cost of supervisors, \$101,621; of deputy marshals, \$65,202. Total cost in 1878, adding fees, \$202,291. This money was spent as follows:

In New York.....	\$110,360
In Pennsylvania.....	43,940
In New Jersey.....	13,254
In Ohio.....	2,078
In Michigan.....	1,300
In Illinois.....	6,720

177,652

Balance in Southern States.

Thus, in 1878, out of \$202,000 only \$25,000 was spent in the South, upon doubtful districts; but \$177,000 was lavished upon the cities of the North, chiefly in the democratic States of New York and New Jersey.

The gentleman from Maine [Mr. FRYE] was more candid in this particular than the other statesmen who are always raising the roof of this House with their declamations against the South. He said, in opening his speech the other day, republican as he is:

Mr. Chairman, I do not believe that this is a question affecting the South at all. This law has been upon the statute-book since 1872, and the republican party has disappeared in the South as the dew before the rising sun. The South will be solid for the democratic candidate for the Presidency in 1880, law or no law, supervisor or no supervisor, United States marshal or no United States marshal.

And he then proceeded to argue that it is needed in the North, but especially in New York City. He does not seem to think it needed in republican cities. He will be decidedly of that opinion when we have a democratic administration.

Mr. Chairman, I do not apologize for fraud in elections. I do not defend it nor seek to give it any room for successful operation; but if the States and the people of the States—especially of the North and East—that boast of their advanced and superior refinement and civilization, cannot protect the ballot-box and secure free and fair elections, it cannot be done by adding still another corrupting agency, the unlawful interference of an unlimited number of the creatures and minions of power. If the agents of the republican party possessed superior virtue or intelligence, we might be tempted to trust them with the supervision of elections; but our experience of elections in Philadelphia, where they have full sway, is worse than in New York. Republican officials do not seem to eradicate fraud in republican cities. And the history of corruption, violence, and fraud in the States of Louisiana, Florida, and South Carolina, inaugurated under the eye and the auspices of prominent republican officials, finally developing into the seizure of the presidential office without right and against the will of the people, indicates a laxity of morals and a desperation in that party which prevents any fair-minded man from reposing confidence in it.

We are approaching the great presidential struggle of 1880, the final battle which will test the sense of the people upon the value of the republican party to the country.

The surrender of power is always reluctant. Many people believe that the republican leaders would have preferred revolution to such surrender in 1876. If such be their recklessness and tenacity, what may we not expect in every city and county in the next presidential contest? Every doubtful or promising spot will swarm with the paid advocates of that party. Every desperate measure will be adopted. The naturalized citizen will be harassed, threatened, intimidated. Every doubtful or needy voter will be hired under the guise of an appointment as "special deputy marshal," and millions of dollars of the people's money will constitute the campaign fund of the republican party. How many "iron cages" may be elsewhere constructed to frighten or receive the voter, who is too poor to employ counsel to defend himself, we cannot tell. We may depend upon one thing, everything will be done in the emergency that is necessary to keep the republican leaders in power. Their acts in the past have always been dictated by the emergency.

It is our duty to repeal these laws. It is not worth while to attempt the repeal except upon an appropriation bill. The republican Senate would not agree to, nor the republican President sign, a bill for such repeal.

Whatever objection to legislation upon appropriation bills may be made in ordinary cases does not apply where free elections and the liberty of the citizen are concerned. Especially are we under obligations to protect the poor naturalized citizen from such outrageous treatment as he has received at the hands of republican officials in New York. We have the power to vote money; let us annex conditions to it and insist upon the redress of grievances. We who are members of the next Congress will show our sincerity by putting this amendment upon the bill which contains our own pay for the next year. If the appropriation bill fails, we will suffer as well as others.

Let us break down this fearful system invented by the republican party. It is too full of temptation and opportunity to be honestly administered. I would not trust the democratic party with such unlimited power; and experience has proved that we cannot confide it to the republican organization. It is an engine of corruption and oppression.

I hope that when the time comes for the final trial between the two Houses (if the Senate fails to agree to the amendment) every democrat will be found at his post insisting upon it as a necessary companion to the money voted in the bill. I do not want an extra session; I have voted to expedite business to avoid such an emergency; but we can better afford two such sessions than to be wanting in our duty upon this occasion.

Election of President and Vice-President of the United States.

SPEECH OF HON. M. I. SOUTHARD,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 14, 1879.

On the proposed amendment to the Constitution of the United States prescribing the mode of election of President and Vice-President.

Mr. SOUTHARD. Mr. Speaker, the wisdom of the framers of our system of popular government is conceded by all; but perfection does not fall to the lot of humanity. That their work should be complete and perfect was impossible in the very nature of things. An eminent English essayist has truthfully said:

To balance a large state or society, whether monarchical or republican, on general laws, is a work of so great difficulty that no human genius, however comprehensive, is able by the mere dint of reason and reflection to effect it. The judgments of many must unite in the work; experience must guide their labor; time must bring it to perfection; and the feeling of insecurity must correct the mistakes which they inevitably fall into in the first trials and experiments.

None comprehended this truth more fully than the framers of our Constitution, and they accordingly made ample provision for amendment, to accommodate it to the future wants and necessities of the people. Article 5 of the Constitution, among other things, provides that—

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress.

Immediately after the adoption of the Constitution it was found to be insufficient to preserve the due independence of the States, to guard the rights of property, or to protect the personal and religious liberty of the citizen; and in consequence the First Congress, on the 25th of September, 1789, proposed twelve amendments, ten of which, by the 15th of December, 1791, were ratified by the requisite number of States, and became and still remain parts of the Constitution. A little later, and on the 15th of March, 1794, the Third Congress proposed another amendment, which, on the 8th of January, 1798, was authoritatively declared to have received the sanction of three-fourths of the several States; and thus the eleventh article was added to the Constitution.

The Eighth Congress, on the 12th of December, 1803, to remedy a defect in the original Constitution as to the method of electing the President and Vice-President, made apparent by the controversy between Jefferson and Burr in the election of 1800, proposed an amendment, which was ratified by the constitutional number of States in 1804, and is now known as the twelfth article. Since the close of the late civil war three additional amendments have been made to the Constitution, so that as it now stands it is composed of the original draught and fifteen amendments, which time, experience, and circumstance have dictated, and these amendments comprehend some of the most vital safeguards of our personal and political liberty.

The simple recital of these facts is sufficient to meet and set at rest the objections so often urged against amendments of the Constitution, predicated on the supposed sacredness and perfection of that instrument. Mere amendments to the Constitution in matters unimportant, or to affectuate that which legislation might reach, are certainly ill-advised; but to declaim against all amendments indiscriminately bespeaks the want of reason and reflection, and ignores the plain lessons of experience.

The test should be: Is any amendment necessary; and, if so, does the one proposed meet the case?

If these two questions are answered in the affirmative true statesmanship will no longer hesitate through any veneration of the work of the past.

Since the organization of the Government there has been a belief in the minds of our most thoughtful statesmen that the constitutional provisions in relation to the election of President and Vice-President are defective, and so generally did this belief obtain at the opening of the present Congress that both the Senate and House of Representatives appointed select committees to take the subject into consideration. The House committee, after full deliberation, came to the conclusion that the system needed amendment, and matured a proposition which was reported to the House, printed, and recommended to the committee to await a favorable opportunity for its consideration. The committee earnestly favor the proposition, while they entertain doubts about making it acceptable to Congress at this time; yet they feel confident that sooner or later some such change will commend itself to the approval of both Congress and the people.

In the convention of 1787, which framed the Constitution, almost every conceivable proposition was advanced on this subject. Some advocated the choice of the Chief Executive by the National Legislature; some by the people; some by the governors and councils of the several States; some by electors chosen by lot from the National Legislature; and some by electors chosen in such manner as the Legislatures of the several States might direct. The system finally agreed upon is the latter, which is embraced in the following constitutional provision:

Article 2, section 1, of the Constitution, provides that—

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives

to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

It will be observed that an independent body of electors is interposed between the people and the candidates for the Presidency, upon whom the immediate choice is devolved. This was done in distrust of the people, their capacity to properly perform so important an act being doubted by the framers of the Constitution. While it was admitted to be desirable that the sense of the people should operate in some way in the choice, yet it was permitted to operate but feebly, and, as expressed in the *Federalist*, it was thought to be—

Equally desirable that the immediate election should be made by men most capable of analyzing the qualities adapted to the station, and acting under circumstances favorable to deliberation and to a judicious combination of all the reasons and inducements which were proper to govern their choice. A small number of persons, selected by their fellow-citizens from the general mass will be most likely to possess the information and discernment requisite to such complicated investigation.

The electors were instituted for the express purpose of exercising their free, intelligent, and deliberative judgment in the choice of President and Vice-President. In this consisted whatever of virtue there was in their creation, for in this way only could they act with greater wisdom than the mass of the people. But the practice has wholly departed from the original design. These electors no longer have any discretion left them. They are compelled by a custom, which is more imperative than the letter of the Constitution, to simply register the will of the people as expressed at the ballot-box. Through a popular demand the Legislatures of all the States have directed the electors to be chosen by a vote of the people, and by the introduction of the general-ticket system when they are so chosen they are regarded as instructed to cast their votes for a particular candidate.

Strange as it may seem, if an elector should now disregard this implied instruction and attempt to exercise his clear and unquestioned constitutional right of discretion and judgment in the choice, he would be held in public estimation as no better than a common felon. In the beginning that which was esteemed the chief virtue of the system is now regarded as the highest crime. Experience has taught the lesson of greater reliance on the people and refuted the theory of their incapacity.

Since the electors no longer have any discretion in the matter, they can subserve no good purpose, but may subserve a very bad purpose if disposed to disregard their duty and yield to the temptation of improper influences. The system of electors, therefore, should be abolished, and the people be trusted in theory as they are in practice.

The electors having met in the several States and cast their votes for President and Vice-President, they are required to make distinct lists of all persons voted for as President and as Vice-President, and the number of votes for each, which lists they are to sign and certify and transmit sealed to the seat of Government directed to the President of the Senate.

The next step in the process is to count the votes and declare the result, in obedience to this provision of the Constitution:

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted.

The defect in this clause of the Constitution is demonstrated by the conflict of opinion as to its true interpretation.

I am not unmindful of the fact that it is said to be plain enough and only needs an honest purpose to carry it into due execution. I concede that much of the difficulty in the past may be attributable to reckless disregard of duty, and that nothing can compensate for the want of virtue in those who are called upon to execute the Constitution. Nevertheless, reason and experience unite in proclaiming the dangerous uncertainty of this provision. Men of recognized intelligence and integrity interpret it differently. There is a general grant of power, to be sure, but the extent of that power and the method of its execution are not specifically pointed out, and it is a question of grave dispute whether there can be such derivative legislation as will supply the defect. One maintains that the power to count the vote is conferred upon the President of the Senate; another, that it is conferred upon Congress, and among those who hold to this latter opinion (and they compose the vast majority) there is still a want of harmony about its extent.

By some it is held that the power reaches no further than to the simple enumeration of whatever purports to be the electoral votes; by others that it comprehends something more and necessarily extends to the ascertainment of what are the true and lawful votes as contradistinguished from the false and fictitious. And these are not the only differences to be composed. How shall the two Houses of Congress when met together to count the votes be regarded? Do they constitute a joint convention in the parliamentary sense of that term, or must they act as separate bodies? And if they are held to be separate bodies, how are they to reach a result? Does it require a concurrence of the two Houses to count what purports to be the votes, or must such concurrence be had to prevent the count, or to reject the votes? These inquiries are not mere idle speculations; they are real, practical questions. They necessarily force themselves upon the attention of Congress, whether welcomed or not, whenever this general constitutional power is attempted to be exercised in disputed cases. In the language of the report of your committee, made in support of the proposed amendment at the last session of the present Congress—

The Government has no unquestioned remedy for a failure to appoint electors, nor for their failure to act, nor for fraud in the election, and there is no mode for

contesting elections; if the electors are chosen on a wrong day, if they vote on the wrong day, if their certificate is defective, if their vote be cast before the State is in the Union, if there are conflicting certificates from the same State, if the persons voted for were not citizens, if the electors were officers of the Government, if a certificate contains too many electoral votes, for none of these cases has any competent provision been made by law. The congressional records are full of angry debate on all these questions. The difficulty began in 1805 upon the vote of Massachusetts; it occurred again in 1817 upon the vote of Indiana, in 1821 upon the vote of Missouri, in 1828 upon the votes of Virginia and several other States, in 1837 upon the vote of Michigan, in 1857 upon the vote of Wisconsin, in 1865 upon the vote of Nevada, in 1869 upon the vote of Georgia, in 1873 upon the votes of Georgia, Mississippi, Texas, Arkansas, and Louisiana, in 1877 upon the votes of Louisiana, Florida, South Carolina, and Oregon.

In some of these cases the matter was laid upon the table; sometimes it was indefinitely postponed; sometimes the disputed votes were counted hypothetically, sometimes absolutely, and sometimes not at all; but in no case was any precedent established for future action.

With this record before us, it is idle to assert that this constitutional provision is perfect. Its defects are found in the disputes written on almost every page of our country's history.

But the chief difficulty remains to be considered. It lies in the practical workings of the system as now administered, and as it, no doubt, will continue to be administered until a change is had in the fundamental law. The popular will and judgment are claimed to be respected, but the appliances which are brought to bear in the nominations and elections override that will and judgment. The delegates of the respective political parties meet in national convention and put in nomination their candidates for President and Vice-President. From these candidates the electors to be appointed thereafter in the several States choose the President and Vice-President.

The number of electors in each State is the same as the number of Senators and Representatives to which the State is entitled in the Congress, and they are appointed by a popular vote in the State. A bare majority of the popular vote in the State secures the whole electoral vote of the State to the successful party. In some of the States there is but little difference in the popular vote of the political parties, while in others the majority of one or the other is very decided. This makes what are called pivotal or doubtful States, which are the ones alone to be contended for by the opposing parties. When such pivotal States are very large—large in the sense of population, so as to be entitled to a large electoral vote—they become most important factors in the final result. The delegates of any political party having met in national convention for the purpose of putting in nomination candidates for President and Vice-President, the first question that presents itself to them is, what one or more of these pivotal States must the party carry to be successful? Of course the larger such States the more important they become in the estimation of the delegates. The next question is, what candidate would be most likely to carry such of these pivotal States as may be deemed indispensably necessary? The answer to these questions is more apt to turn upon the locality of the candidate than upon his superior fitness for the office. State and local pride come in to influence and control the choice. Thus in the very inception of the process of choosing the President and Vice-President under the existing system availability is sought in preference to capability. It is thought preferable by the political party to make certain of the President though he possess only moderate qualifications.

After the nominations have all been made the contest for the election begins. This contest is confined to these pivotal States; the rest are certain for the one party or the other and create no concern. These pivotal States are usually and almost universally very few in number, and in each a slight change in the popular vote will turn the scale. All the forces are, therefore, marshaled and concentrated at these few points. Money and party machinery are brought to bear to a degree that virtually overrides the popular will and makes of the ballot a mockery. Upon the result during the period of four years depend all the honors and emoluments of office, from the highest to the lowest, and the collection and disbursement of all the revenues. The number of Federal officers whose tenure depends upon the presidential succession is now estimated at about one hundred thousand, and the amount of revenue collected and disbursed approximates twelve hundred millions, and each is constantly and rapidly increasing.

These are the prizes to be contended for by the warring political parties on this limited field. The temptations are too great to reasonably expect or really admit of free and fair elections. The very system itself as now administered invites fraud and wrong; and no constitutional or legal barrier which does not correct these evil tendencies can be expected to afford any adequate remedy. In times of great popular excitement, as is well known to every student of history, constitutions and laws go down and remain silent. The remedy must be found, if at all, in a system that is self-acting and self-purifying. It was on this theory of correcting the temptations and tendencies to fraud in the elections that the proposed amendment was framed, the full text of which is here presented:

PROPOSED AMENDMENT.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein,) That the following be proposed as an amendment to the Constitution of the United States; which, when ratified by three-fourths of the Legislatures of the several States, shall be valid, to all intents and purposes, as a part of the said Constitution, to wit:

ARTICLE XVI.

The President and Vice-President of the United States shall be chosen by the people of the several States; the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature; they shall vote by ballot for President and Vice-President on the day provided by law, which day shall be fixed by Congress, and be the same throughout the United States.

Each State shall be entitled to a number of electoral votes equal to the number of Senators and Representatives to which the State may be entitled in the Congress.

The electoral votes and fraction thereof, of each person voted for as President in any State, shall be ascertained by multiplying his entire popular vote therein by the whole number of the electoral votes of the State, and dividing the product by the aggregate popular vote of the State for all persons voted for as President; and the quotient shall be the number of electoral votes and fraction thereof to which such person shall be entitled, using for such fraction three decimals and no more.

The foregoing provisions shall apply to the election of Vice-President; but no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

Within ten days after any presidential election, the returning officers of elections in each State, in accordance with the laws thereof, shall make proper returns in duplicate of the votes cast for President and Vice-President, and shall transmit the same, under seal, to the secretary of state, or other officer lawfully performing the duties of such secretary, one of them by mail and the other by special messenger, and the said returns shall be publicly opened by said secretary or other officer in the presence of the chief executive magistrate of the State and the State auditor or comptroller; but if either of said officers fail to act, the attorney-general of the State shall act in his stead; and said officers by and before whom said returns are opened shall ascertain the popular vote and forthwith make apportionment of the electoral vote as hereinbefore provided, and shall thereupon make three distinct lists of all persons voted for as President and Vice-President, comprising the popular vote by counties, parishes, or other principal divisions of the State, and their apportionment aforesaid, which lists they shall sign and certify, and shall transmit two of them, sealed, to the seat of Government of the United States, one directed to the President of the Senate, the other to the Speaker of the House of Representatives; the third list shall be filed and recorded in the office of the said secretary of state. Said apportionment shall be made on a day fixed by Congress, and be the same throughout the United States.

If there shall be a contest in any State as to the election of President or Vice-President, the same may be passed upon by its highest judicial tribunal, in accordance with its laws. The decision thereof shall be by it certified and transmitted, sealed, to the seat of government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of both Houses of Congress, assembled for that purpose in the Hall of the House of Representatives, open all the certificates; the electoral votes shall then be counted by the two Houses, as certified, unless rejected by both Houses; but if there be a certificate of decision by the highest judicial tribunal of any State upon a contested election therein, the electoral votes of such State shall be counted in accordance with such decision, unless the same be overruled by both Houses; but if there be no such certificate of decision, the contested votes from any State shall not be counted unless both Houses concur therein. If there be more than one certificate of electoral votes from any State, and no such judicial decision as aforesaid, or if there be more than one such decision from any State, in either case that certificate of electoral votes which shall be held by both Houses to be made by the rightful authority, and that judicial decision which shall be held in like manner to be made by the rightful tribunal, shall be conclusive, and the votes be counted accordingly, unless rejected by both Houses.

The person having the highest number of electoral votes for President shall be the President; but if two or more persons have an equal and the highest number of such votes, then from such persons the House of Representatives shall choose immediately the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote. A quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the 4th day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

The person having the highest number of electoral votes as Vice-President shall be Vice-President; but if two or more persons have an equal and the highest number of such votes, then from such persons the Senate shall choose the Vice-President. A quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

In any proposition to change the existing Constitution, two things are to be regarded. One its real merits, the other its known practicability. Three-fourths of the several States must concur in the ratification of any proposition to make it obligatory on all. As at present constituted, the majority of the States are what are termed small States. Their interests must be consulted in any change, in order to secure the requisite number for ratification. The small States have an equal representation in the Senate of the United States with the large States, and as a consequence under the present electoral system are accorded two presidential electors, the same as the large States. The other electors of the State being equal to the number of the Representatives, depend upon population. Any plan, therefore, that would deprive the small States of this advantage of two electoral votes, corresponding to the two Senators, would not be acceptable to them and could not receive their sanction. On inspection, it will be perceived that the proposed amendment avoids this difficulty by giving to each State the same number of votes as under the present system.

While the "electors" themselves are abolished the "electoral votes" are substituted in their place. The people of each State, instead of voting for electors, vote directly for President and Vice-President, and the electoral votes of the State are not all given to the one candidate who may happen to receive a plurality or the majority of the popular vote of the State, but they are apportioned among the several candidates in accordance with the number of popular votes that they may each receive. This apportionment is made by a simple mathematical computation, and to approximate accuracy it is carried to the extent of three decimals. It is sufficiently accurate for all practical purposes, and indeed it reaches that certainty which answers for a chemical analysis. In the last presidential election there were 369 electoral votes, and the computation of all the votes under the proposed plan results in 368.947, or .053 of one electoral vote of mathematical accuracy. To exhibit the practical workings of the proposed plan I submit a table illustrative of the last election. The table sets forth in separate columns the electoral vote, the aggregate popular vote, the ratio of popular to electoral vote, the popular vote for Tilden, the popular vote for Hayes, the popular vote for Cooper, the electoral vote for Tilden, the electoral vote for Hayes, the electoral vote for Cooper, and the total electoral vote of each State.

Presidential votes—Election of 1876.

States.	Electoral vote.	Aggregate popular vote.	Ratio of popular to electoral vote.	Popular vote for Tilden.	Popular vote for Hayes.	Popular vote for Cooper.	Electoral vote for Tilden.	Electoral vote for Hayes.	Electoral vote for Cooper.	Total electoral vote of each State.
Alabama	10	170,232	17,023	102,002	68,230	5,991	4,008	.....	.....	9,999
Arkansas	6	97,029	16,171	58,071	38,669	2,991	2,301	.....	.....	5,998
California	6	154,503	25,750	75,845	78,614	44	2,945	3,052	.....	5,998
Colorado*	3	27,474	9,158	13,316	14,158	.....	1,454	1,545	.....	2,999
Connecticut	6	121,742	20,290	61,934	59,034	774	3,052	2,909	.....	5,999
Delaware	3	24,133	8,044	13,361	10,752	.....	1,663	1,336	.....	2,999
Florida	4	47,792	11,948	23,943	23,849	.....	2,003	1,996	.....	3,999
Georgia	11	180,534	16,412	130,088	50,446	.....	7,926	3,073	.....	10,999
Illinois	21	554,066	26,388	258,601	278,232	17,233	9,801	10,545	.....	29,999
Indiana	15	431,070	28,738	213,526	208,041	9,533	7,430	7,238	.....	14,999
Iowa	11	293,327	26,666	112,099	171,327	9,901	4,203	6,424	.....	10,998
Kansas	5	124,000	24,800	37,902	78,322	7,776	1,528	3,158	.....	4,999
Kentucky	12	258,790	21,615	159,690	97,156	1,944	7,404	4,505	.....	11,999
Louisiana	8	159,349	19,918	82,326	77,021	.....	4,133	3,866	.....	7,999
Maine	7	116,786	16,655	49,823	66,300	663	2,986	3,973	.....	6,998
Maryland	8	163,794	20,474	91,780	71,981	33	4,482	3,515	.....	7,998
Massachusetts	13	259,619	19,970	108,777	150,061	779	5,446	7,514	.....	12,999
Michigan	11	316,629	28,789	141,095	166,534	9,659	4,900	5,784	.....	10,998
Minnesota	5	124,072	28,814	48,709	72,962	2,311	1,958	2,948	.....	4,999
Mississippi	8	164,778	20,597	112,173	52,605	.....	5,446	2,553	.....	7,999
Missouri	15	351,604	23,440	203,077	145,029	3,498	8,663	6,187	.....	14,999
Nebraska	3	51,790	13,930	17,554	31,916	2,320	1,016	1,848	.....	2,998
Nevada	3	19,691	6,563	9,308	10,383	.....	1,418	1,581	.....	2,999
New Hampshire	5	80,124	16,024	38,509	41,539	76	2,403	2,592	.....	4,999
New Jersey	9	230,191	24,465	115,962	103,517	712	4,739	4,231	.....	8,999
New York	35	1,013,143	28,946	521,949	489,207	1,987	18,031	16,900	.....	34,999
North Carolina	10	233,844	23,384	125,427	108,417	.....	5,363	4,636	.....	9,999
Ohio	22	656,937	29,860	323,182	330,698	3,057	10,822	11,074	.....	21,998
Oregon	3	29,865	9,555	14,149	15,206	510	1,421	1,526	.....	2,998
Pennsylvania	29	757,467	26,119	366,158	384,122	7,187	14,018	14,706	.....	28,999
Rhode Island	4	26,567	6,641	10,712	15,787	68	1,012	2,376	.....	3,998
South Carolina	7	182,776	26,110	90,906	91,870	.....	3,481	3,517	.....	6,998
Tennessee	12	222,726	18,560	133,160	89,566	.....	7,173	4,825	.....	11,998
Texas	8	149,555	18,694	104,755	44,800	.....	5,602	2,396	.....	7,998
Vermont	5	64,346	12,869	20,254	44,092	.....	1,573	3,426	.....	4,999
Virginia	11	226,228	20,566	130,670	95,558	.....	6,353	4,616	.....	10,999
West Virginia	5	100,526	20,105	56,455	42,698	1,373	2,807	2,123	.....	4,998
Wisconsin	10	256,104	25,610	123,927	130,668	1,509	4,828	5,102	.....	9,998
Total	369	8,433,263	.....	4,302,485	4,039,441	81,737	189,674	175,925	3,247	368,947

* Vote for governor in October, 1876.

It will be observed from an inspection of this table that there are no pivotal States, and hence none of the evils of party contention which they engender. It is comparatively as important to increase the popular vote in one section of the Union as another, and instead of the political contest being confined to a few States, as under the present system, it will be extended over all. Being extended over all the States, excessive party spirit, which is the bane of popular institutions, would of necessity be greatly diminished. No illustration is needed to confirm the truth of this statement. It is self-evident.

But this is not all the benefits to flow from the proposed change. The tendency to fraud in the elections is largely reduced, if not wholly overcome. Fraud to be attempted must be capable of being committed with the hope of gain as well as the hope of concealment. Under our present system the change of a single popular vote in a State may determine the whole electoral vote of the State, and a few hundred or a few thousand popular votes at most will carry the whole electoral vote of the pivotal State for a particular candidate.

The falsification of so small a portion of the popular vote is easily effected and readily concealed. But under the system here proposed no such result can happen. To change one single electoral vote in a State it requires a change of the popular vote equal to the ratio of the popular vote to an electoral vote in that particular State, which amounts to many thousands, ranging from six to twenty-nine thousand at the last election. By looking at the column in the table entitled "ratio of popular vote to electoral vote," the ratio in each State will be seen. For instance, to effect a change of one electoral vote a change of six thousand popular votes would be required in Nevada and of twenty-nine thousand popular votes in Ohio. A fraud of so great magnitude would be apparent to the public and would thereby defeat itself; and besides, if successful, it would accomplish little, as it would secure only one and not the whole electoral vote of the State. Take for illustration, the State of Louisiana at the last election. There was a dispute between the republican and democratic parties over some 5,000 popular votes, that being the extent to which the returning-boards revised and changed the result of the returns of the local election officers.

The State had eight electoral votes, which were dependent upon this change of 5,000 in the popular vote; and these eight electoral votes settled the question of the Presidency. The returning-board—whether rightfully or wrongfully it is not pertinent or material for me to here inquire—altered the local election returns to the extent of these 5,000 popular votes, and thereby gave the whole electoral vote of the State to Hayes. The ratio of the popular to an electoral vote in the State was 19,000; so that the alteration made by the returning-board, great as it was, would under the proposed plan have changed the result less than one-third of one electoral vote. It is easy to perceive that no attempt of this kind would have been made for so inappreciable a result as this.

The plan proposed requires only a plurality of the electoral votes to elect, whereas the existing system requires a majority of all the electors appointed. The plurality rule is that which prevails in all the States with very few exceptions in the choice of governor and other State officers, and it is found to work well in practice. It usually, and almost universally, gives a majority result by limiting the number of the competing candidates. When a plurality is known to be sufficient there is the strongest inducement to put as few candidates in the field as possible. It is believed that it will seldom if ever happen that a presidential candidate will be successful who has less than a majority of all the electoral votes; but such result may happen, and it is not unfortunate that it should, in view of the evils that the possibility will obviate in another respect. While it seemed to be the favorite plan with the delegates in the constitutional convention that Congress should elect the President, it was finally agreed that no such choice should be made, except in the event that no candidate had received a majority of all the electors appointed, and in this eventual election by the House the choice is very likely to fall on the minority candidate, as it did in 1825 by the election of John Quincy Adams.

With the plurality rule an election of President will rarely if ever take place by the House of Representatives. It is possible, but by no means probable. But if it does, it can only do so when two or more candidates have an equal and the highest number of electoral votes. In the case of the eventual election of the President by the House or of the Vice-President by the Senate, the method provided by the existing system is retained.

Time and experience have demonstrated that the people are capable of choosing their officials, from the highest to the lowest. The theory of the framers of the Constitution has been refuted in this respect, and the tendency has been to get nearer to the people. They have taken the choice of electors out of the hands of the State Legislatures and made it for themselves. The evils that exist in the present system do not spring from any incapacity of the people to make a proper choice, but from the vicious manner in which they have been compelled to exercise that choice, namely, by requiring a mere popular majority in the State to control the whole electoral vote of the State.

The election of the President by a direct vote of the people is no new theory. It was advocated in the convention which framed the Constitution by Franklin, and Morris, and Dickinson, and Bassett, and others, and was voted for by the entire delegations of Pennsylvania and Delaware. Mr. Benton gave it the sanction of his name, and

President Jackson recommended it in each of his eight annual messages, declaring in the first that "the right of electing their Chief Magistrate belongs to the people, and ought not to be defeated by the intervention of electoral colleges." Charles Sumner also joined his influence with the great lights that had shone before him, and Morton took up the work where Sumner had left it. It is true that these great statesmen did not all or any of them advocate the precise plan now proposed; nor, indeed, did their plans agree with each other; but they were all in harmony on the principle of leaving the selection of the President and Vice-President to the people. Senator Morton and many others have advocated the system of appointing the electors by a vote of the people in the congressional districts, but this is subject to two insuperable objections in my judgment: one, that the congressional districts are not now and cannot be made fixed geographical divisions, but would be constantly liable to gerrymandering by the State Legislatures or by Congress with a view to party advantage; the other objection is that there would be too many doubtful or pivotal districts to be contended for by the opposing political parties.

The certificates of the electoral votes are to be opened by the President of the Senate, and the votes are to be counted by the two Houses of Congress. The Senate and House are treated as separate bodies, and the ascertainment of the result is rendered certain in all cases. The reference of a contest is permitted in the first instance to the highest judicial tribunal of the State. The decision of such tribunal is treated as a *prima facie* case, and can only be reversed by the concurrent action of the two Houses. On the same footing is placed a single certificate or return which comes up from the State uncontested; if it should be excepted to at the time of counting, such vote must be counted unless both Houses concur to reject it. And in case of several certificates of electoral votes from the same State, no such *prima facie* case is held to be made out, and the concurrence of the two Houses is required to decide which is the rightful one. In every contingency a decision is rendered certain, and it is believed to be through a process as nearly equitable and just as the difficult nature of the subject will permit.

The authority to count the vote is left in Congress, where it now exists. And the proposed amendment only states expressly what is fairly implied in the existing constitutional provision. It is said by some that the power to reject what purports to be the electoral vote of a State ought not be lodged in Congress. But the authority to count the vote must be lodged somewhere, and the office being a Federal one it is proper that Federal authority should do the counting—and none seems to be more appropriate than Congress. And the authority to count carries with it the power to distinguish between the true and false votes, and if those votes which are exhibited are found to be false they should be rejected. The power to reject votes, however, does not imply the right to reject them without good cause, any more than the power in a court to decide every case in favor of the complainant implies the right to do so in the face of the law and the evidence.

But the power is necessary to enable Congress to administer the right and to protect the State, the Government, and the people from fraud and imposition from any particular quarter. This power is not arbitrary or unlimited; it is confined to the specific purpose of counting the electoral votes, and is regulated by well-recognized rules of procedure. The people of each State determine for whom the electoral votes shall be cast, and Congress ascertains what the voice is which the State has spoken and gives it effect. Congress does not undertake to speak for the State, but to declare how the State itself has spoken. Such are some of the advantages of the proposed amendment. The objections to it are few.

The minority of the committee place their opposition mainly on the grounds of interference with State rights. They assert that—

The proposed plan takes away from these political bodies the right to speak, each for all its people, and permits minorities to speak to the whole United States, to have their voice heard here in the aggregate result; to become, in effect, voters of the United States instead of voters of the States. The right to speak by a majority when its fundamental laws permit, is a right inherent in every republic. This plan takes away from these republics (the States) this right to speak by their majorities, and confers upon the United States the right to say by a majority of the whole who shall be President and Vice-President. Why should the right of a majority in a State not be as sacred as the right of the majority of the whole United States; why rob the States of this right and confer it upon the General Government? Is it not too clear that this is simply another step toward consolidating the States out of sight in our system?

A slight examination will show that these objections are not well founded. The method here proposed of electing the Chief Magistrate does not contravene the rights of local self-government in the States; but on the contrary it will remove many of the difficulties which now stand in the way of their self-control over matters pertaining to their domestic affairs.

It is true that the proposed plan takes away the privilege of a bare popular majority in a State from controlling the whole electoral vote of such State for a particular party, and in doing this it takes away what is the bane of the present practice—I will not say system—for neither the letter nor spirit of the Constitution contemplates any such result. It was never intended by the framers of the Constitution, nor does that instrument require—no matter whether the electors be appointed by the Legislature, people, or otherwise—that the State, as an entity, should cast the electoral vote in *solido* for a particular candidate.

While the Constitution committed the choice of the electors to the direction of the State Legislatures, when chosen, the electors were to be free to divide the vote of the State as their judgments should dictate; and, as a matter of fact, the electors did exercise this constitutional prerogative in many instances from the foundation of the Government down until the year 1836, when the general ticket system became all-powerful and overturned the design of the framers of the Constitution. Since that time we have seen nothing but partisan instructions to the electors through a party majority in the States, which have practically deprived the electors of the privilege of dividing their votes.

The existing system contemplates a division but permits the unity of the electoral votes of any State, and the proposed plan contemplates precisely the same thing in both particulars. The people of the State will likely differ in their judgments as to the fitness of the respective candidates, and will consequently divide their votes, which will result in a division of the electoral votes, but they may all agree in opinion and accordingly cast a solid popular and electoral vote.

In further illustration of this branch of the subject, I beg to quote again from the report of the committee:

If the electoral system would preserve the relative power of the smaller States, if it would tend to maintain the original theory of the Government, or the great American doctrine of local self-control, that would be a potent inducement to support it, but it has no such tendency either in theory or in practice.

As to theory, the relative power of the small States is maintained as nearly as may be by the equality of all the States as to Senators, while the natural weight of the large States finds its just expression in the number of their Representatives. It has been supposed that this theory is carried out in the electoral system by assigning to all the States as many electors as Representatives, thus representing population; and by also assigning to each State as many electors as Senators, thus representing the State in its corporate capacity; but really the interposition of electors between the people and the Presidency has nothing to do with State rights; it is the people of the State who create all the machinery of the State government and choose its officers. The Legislature is only a department of the State. If a State has the two votes the same as all the others, in that respect she is the peer of the others, and it makes no difference, as to State rights, whether the two votes are determined by the people directly or by the people indirectly, through officers representing them in their corporate capacity. Even in theory, therefore, it is not the system of electors that tends to preserve the equality of the States, but it is the giving each State the two votes that does it, and whether the exercise of these votes is by the people directly, or by the people indirectly through electors, the power of the State is precisely the same. When the people of a State vote for President, they vote as citizens of a State, having the qualifications required by that State for electors of the most numerous branch of the State Legislature, and it is nearer local self-government to have that right exercised by the people themselves at home than by representatives elsewhere.

The States are recognized under the present system in their full corporate capacity in the election of President in one case only; that is, the eventual election by the House of Representatives. There each State speaks with one voice, and a majority of all the States is necessary to a choice; and this provision remains undisturbed in the proposed plan.

It is true that neither territory nor population constitute a State in the legal or political sense, but both are necessary elements of a State, and it is the people alone who, under the forms of law, speak and act for the State. For all the purposes of domestic government, the people, theoretically and practically, constitute the State, although in a technical, legal sense the organized body-politic is recognized as such. The plan of the committee treats each State as a separate political community, and seeks to ascertain the choice of that community for President and Vice-President by taking the sense of its people; but it leaves to each State, acting for itself, the exclusive right to determine who shall participate in the designation of its choice. There is no attempt to aggregate or consolidate the popular vote of all the States, so as to allow a plurality of the whole people of the United States, without regard to State lines, to elect; the citizen will not, under this plan, become a voter of the United States, but will remain, as now, a voter of his own State. His qualifications will be prescribed by the constitution and laws of his own State, and not by the United States.

Each State will continue to have, as it now has, the sole and exclusive power, subject to the provisions of the Federal Constitution, to declare who shall exercise the right of suffrage. States which now have property or educational tests may retain them, and all the regulations as to age, residence, and registration will be left, as they now are, under the exclusive control of the States, respectively; so that a citizen of Alabama may be allowed to vote in that State, although he would be disqualified by the law of Massachusetts if a resident there. Such inequality could not exist under a system intended to convert the citizens of the several States into voters of the United States. To do that would require uniform qualifications and a common basis of suffrage throughout the country. The table annexed to this report, which is the same as the one I have here submitted, shows that while in Rhode Island 6,641 popular votes, or in Nevada 6,563, or in Delaware 8,044 will be entitled to one electoral vote in choosing a President, it will require 29,860 votes in Ohio, 28,946 in New York, or 27,789 in Michigan to cast such electoral vote in those States, respectively; that is to say, in round numbers, 6 votes in Rhode Island will continue to have, as they have now under the electoral system, exactly the same power that 29 votes have in Ohio; and 17 votes in Alabama will have, as they now have, the same weight of 28 votes in New York. If the popular vote were to be aggregated and counted by the consolidated vote of the whole people of the United States, and not by the vote of the several States as such, 6 votes in Rhode Island could have no more weight in the computation than the same number in Ohio, New York, or Pennsylvania.

The greater relative power of the popular vote in the smaller States is the result of their recognition as separate and coequal members of the Union at the formation of the Constitution; it is because they are allowed a certain number of electoral votes as States, without regard to the number of their inhabitants; and so long as any plan of electing a President embraces this feature, it cannot be justly treated as a departure from the original design of the Constitution. That design, in reference to the subject under consideration, was to secure the absolute equality of the States up to a certain point, whether their populations were great or small, and beyond that to leave the preponderance to be determined by the numbers of their inhabitants. It is obvious that this design is not thwarted nor in any degree assailed by a mere change in the method of choosing the electors, or deciding how the electoral vote shall be cast.

The election of President is not local but national in its character and effect. In a mere State election there is a principle involved in the control of the majority, springing from necessity, for there must be a decision of some kind; and the decision by the majority has been found to be wise and expedient. But this principle does not apply to the action of a State in electing a President of the United States.

The election for President in the State is only the initiatory step; the ultimate decision, which is alone important, depends upon the aggregation of the electoral votes of all the States, and may be reached as certainly by apportioning the electoral

vote of each State among the respective candidates as by casting it solidly for one candidate, and in a manner much more just and equitable to the States and the people as well as to political parties. What a political party loses in one State it gains in another, and in the general result it is heard to the fullest extent that it ought in justice to be heard. In making this change the States sacrifice no right or privilege which it is desirable to retain. All those rights remain intact which tend to preserve their independence and autonomy for all the great and beneficial purposes of local self-control in the general system of federative government.

I have now given a somewhat extended outline of the proposed amendment. I regard, however, what I have said more in the nature of suggestions than as a full exposition of the subject. I am sensible of the imperfections of my effort; but if it shall tend, even in some slight degree, to call public attention to the importance of remedying the evils inherent in the existing system, I shall feel abundantly rewarded for my labor. If the plan proposed be deemed inadequate, it is hoped some other and better will be speedily devised, for upon it may depend the perpetuity of the Government and the liberty and welfare of the people.

Washington Territory.

SPEECH OF HON. ORANGE JACOBS,

OF WASHINGTON TERRITORY,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 24, 1879,

In favor of an "enabling act" for the admission of Washington Territory into the Union as a State.

Mr. JACOBS. Mr. Speaker, that a territorial government, with its executive and judicial departments not dependent upon the people of the Territory, but dependent upon and under the control of a power knowing but little and caring less for its administrative policy, is in direct conflict with the sentiments of the American people and the genius of our Government, is too plain for argument. Not only are the executive and judicial officers of the Territories usually appointed from the States, but the generous grant of legislative power in the organic acts "over all rightful subjects of legislation" is constantly being narrowed by congressional prohibitions and limitations. This is strikingly illustrated by the legislative limitation by Congress of the power of the Legislative Assemblies of the Territories over the subject of corporations. Congress has even gone so far as to prescribe how officers shall be appointed or elected, who are created by territorial law and whose duties in no way affect the Federal Government.

But besides this growing tendency on the part of the Federal power to encroach upon what the people of the Territory deem their just and inherent rights, there is over and beyond that the feeling that the territorial government is but a necessity to be tolerated and endured only so long as the people are unable to sustain a State government. As soon as population and wealth so increase as to render it manifest that they are able to take care of themselves, why should they be denied the right of self-government? If Congress, upon investigation, find that such desire is well-nigh universal and that the resources of the people are amply sufficient to defray, without burdensome taxation, all the expenses of a State government, why should they not be permitted to form one and enjoy all the rights incident thereto? There may be reasons founded on the domestic policy of the people seeking to enter the sisterhood of States or upon the incongruous character of the people asking, which may be the valid foundation of a denial. But these objections do not pertain to the domestic institutions or people of Washington Territory. Three-fourths of our people are native born, and the other fourth of the better class of adopted citizens.

Granted, then, the truthfulness of the above, what objection can be urged to this "enabling act" but jealousy of the political power obtained by this people as a necessary incident to their admission as a State? It is not the act itself but the incident which is objectionable. Why should that be objectionable? What are we asking but the right to elect and to pay our own officers—to give our Representatives here a right to vote as well as to talk, and a representation in the Senate, where we have none now save that accorded by the generosity of Senators.

But it is said an injustice would be done to the older and more populous States of the Union by reason of the admission of two Senators in the Senate of the United States. Those who make this objection misapprehend the theory of our Government. People are not represented in the Senate, but States. "The Senate of the United States shall be composed of two Senators from each State" is the language of the Constitution. These separate sovereign unities, known as States, are in their very nature equal—not equal in population but equal in their inherent powers as sovereign unities. This is one of the underlying and fundamental principles of our theory of Government. It is the system of our fathers, sanctioned and sanctified by a hundred years of prosperous existence.

It is too late to question its wisdom now or to deny to it its just operation in the future. Inequality, then, so far as population is concerned, is recognized in the representation in the Senate of the United States, and this inequality will work no more harm in the future than

it has in the past. Would there be any greater disproportion in population between the States of Washington and Massachusetts than now exists between New York and Rhode Island? Is this disproportion wise as to the past and unwise as to the future? In the very nature of the case there could never be anything like equality of population in the States of this Union. Their areas are different and their life-sustaining resources are vastly different. Rhode Island in territorial area has reached, or nearly reached, her maximum of population. Her increase in that regard, if any, must hereafter be slow. Washington in her territorial area, in her inherent and diversified resources, developed and undeveloped, in her commanding commercial advantages, and in the mildness and salubrity of her climate, is the foundation of a populous empire. Would it not be wiser to apply the constitutional principle to her, a young, growing, prosperous community, with all her grand possibilities, than to continue it to States already existing, if any change is desired?

The people of Washington Territory come here asserting their willingness and ability to sustain a State government. It is one of the oldest Territories in the Union, having been organized in 1853, a quarter of a century ago. The question of a convention was submitted to the people in the fall election of 1876. The result was nearly unanimous. The Legislature met on the 15th of October 1877, and soon after passed an act carrying out the will of the people in that regard. It provided for the election of delegates to a constitutional convention, said election to be held on the 9th day of April, 1878. There were to be fifteen delegates only, three from the Territory at large, three from the judicial districts, and one from each council district. The delegates thus elected were to meet and did meet at the city of Walla Walla on the second Tuesday of June, 1878. The three northern counties of Idaho sent one delegate, and provision was made for the payment of his per diem and actual expenses. The votes were returned and canvassed as provided by existing law. The convention met at the time and place indicated and formed a constitution which was submitted to the people for ratification or rejection at the election last fall. It received over a two-third majority.

The number of people represented in said convention was fully seventy-five thousand. The vote polled in the Territory at the election held in November, A. D. 1876, was nearly 10,000; that polled at the election in the fall of 1878 was over 14,000. This would give a population of sixty thousand exclusive of Chinamen, of whom there is quite a large number. There are between ten and twelve thousand people in the northern counties of Idaho. The emigration to Eastern Washington as well as Northern Idaho was very large last summer, and as the laws of Washington Territory required a residence of six months in order to vote, none of the emigration of 1878 were voters. For a few years past the tide of emigration has steadily set toward the fertile plains of Eastern Washington, and its volume is constantly increasing. Two years at least must elapse before the machinery of a State government can be fully set in motion. By that time our population will exceed a hundred thousand.

I know the popular belief is that unless a Territory has fully the population necessary to entitle it to a member on this floor under the last apportionment it cannot be admitted into the sisterhood of States. No such rule has been acted upon in the past. Oregon was admitted February 14, 1859. The census of 1850 shows that she had a population then of only 13,587; the census of 1860 shows her population to be but 52,169. Nevada was admitted March 21, 1864. The census of 1860 shows her population then at 6,812; that of 1870 only raises it to 38,959, and that was nearly six years after her admission. Nebraska was admitted February 9, 1867. The census of 1860 shows her population to be 28,696; that of 1870, three years after, to be 122,117.

No rule founded on population alone ought to dominate in this matter. The elements that compose that population; the habits and domestic institutions of the people; the character of the country and its climate; its natural resources and the extent of their development—these are the questions necessary to be understood in order to determine not only the ability of the new Commonwealth to support itself, but to ascertain whether its growth in population and wealth will be continuous and its industries diversified and permanent. We have witnessed in the past, as we shall no doubt witness in the future, large aggregations of our people upon portions of the public domain, drawn thither by mining excitement, without any intention of permanent settlement, and but few resources in the country to support permanent settlements and to insure continuous growth. It would be unwise in such cases, although the requisite number of people are present, to permit a State government. Such communities lack permanency, and they have no sure foundations for future growth and prosperity. We have such States in the Union to-day. They lack, and must ever lack, that diversified industry necessary to build up a prosperous and powerful State.

The Constitution lays down no rule of population. The provision on this subject consists of but a single clause, and vests the whole matter in the discretion of Congress. It says: "New States may be admitted by the Congress into the Union." The power is ample, and the rule an intelligent discretion founded on the facts of the present and the reasonable developments of the near future. What better statement can be given of what is necessary than that briefly exemplified above—sufficient population and actual wealth; abundant natural resources with a large present development; industries diversi-

fied and sufficient in present volume to bear the burdens of a State government; and that the population, wealth, and volume of business will increase continuously, and that, therefore, the youthful Commonwealth has all the elements of growth, prosperity, permanency, and sovereign power.

Is the above true of Washington Territory? I have already spoken of the population, its character, and its constant increase. I will now briefly call attention to its resources, developed and undeveloped.

First. The western half of the Territory is a continuous forest, on the southern verge of which rolls the Oregon, but it hears other sounds now besides that of its own dashings. This forest is full two hundred miles in width by two hundred and fifty in length. It is mostly fir and cedar timber. Within the limits of this forest there is a population of thirty thousand people, engaged in lumbering, ship-building, coal-mining, farming, and fishing. I am not able to state accurately the volume of business done in each one of the branches of industry named above, but I can approximate closely all but the fishing business.

The annual lumber product of this section is stated at three hundred and seventy million feet. If there is any error in the statement it is too low. This product is worth, at least, \$4,000,000 in gold coin. Besides this an enormous quantity of laths and shingles are made annually. This lumber and these laths and shingles find a ready market in California, South America, and Australia, China and the Sandwich Islands. To the above must be added a very large quantity of masts, spars, piles, and various other kinds of round and hewn timber, making the full amount over \$5,000,000 in gold coin. Yet this business is but in its infancy, and its volume is swelling year by year. The resources of a quickly reproducing forest, which yields from one hundred thousand to a quarter of a million feet of lumber per acre, are inexhaustible.

It is found by experiments made by the Government that the red-fir timber is equal to, if not superior to, live-oak in strength, durability, and holding qualities for ship-building. Hence that business, although yet in its infancy, is fast developing, and promises at no distant day to become one of the leading industries of Western Washington. Last year fifteen vessels, ranging in tonnage from seven hundred and fifty to fifteen hundred tons, were built on Puget Sound, and a company was organized with a capital of \$1,000,000 to carry on the business in the future. Nowhere else in the world can wooden ships be built so cheaply as on Puget Sound. Fir knees, the best in the world, and of any size or dimensions, can be obtained in inexhaustible quantities for from fifteen to thirty cents per lineal foot. Planking, free from knots, strong and elastic, and from fifty to one hundred feet in length, can be delivered at the ship-yard for \$15 per thousand. Masts from one hundred to one hundred and fifty feet in length are delivered into navigable waters for from \$30 to \$50 each. Ship-loads after ship-loads of them are taken every year to nearly every foreign port in the world. With all these and other materials at hand, and cheaper than they can be obtained anywhere else, the speedy and immense development of this business is secured.

In this connection suffer a brief statement of the amount of shipping, and incidentally the commerce, domestic and foreign, of the Territory. A fleet of thirty steamers, some of them costing \$150,000, are registered and owned upon the Sound, and are actively and profitably engaged in the carrying of the mails and passengers and in supplying the wants of internal commerce of the sound and the river affluents. A large fleet of steamers are daily plying on the Columbia River, some of which are owned and registered in the Territory, and all of which on the Upper Columbia obtain their principal freight from the Territory, and much of the immense freight of the Lower Columbia is also supplied by the people of the Territory. There is also a tri-monthly line of steamers running between the ports of the sound and the city of San Francisco.

The following table shows the exports and imports of the Puget Sound district for the year 1877, taken from the custom-house records. Notwithstanding the financial depression felt everywhere, the exports and imports were largely increased the past year, but I have not the exact figures at hand. It must be remembered that the subjoined table but states the exports and imports of the Puget Sound basin, and that a larger volume passes up and down the Columbia River, the thread of which is the southern boundary of the Territory:

EXPORTS			
Countries.	Amount.	Countries.	Amount.
January:		March:	
British Columbia.....	\$15,731	British Columbia.....	\$17,210
Sandwich Islands.....	6,842	Peru.....	19,907
Society Islands.....	2,650	New Caledonia.....	12,445
Chili.....	8,282	Australia.....	20,690
	33,507		70,282
February:		April:	
British Columbia.....	15,571	British Columbia.....	23,349
Sandwich Islands.....	10,570	Sandwich Islands.....	10,634
Chili.....	7,580	Peru.....	10,907
Peru.....	10,969	New Caledonia.....	13,445
	44,690	Australia.....	7,924
			66,259

Exports—Continued.

Countries.	Amount.	Countries.	Amount.
May:		September:	
British Columbia.....	\$31,207	British Columbia.....	\$17,946
Chili.....	31,141	New Caledonia.....	5,815
Australia.....	10,187	Sandwich Islands.....	6,178
Sandwich Islands.....	5,893	Australia.....	12,969
Peru.....	17,783	Peru.....	5,995
	96,211		48,903
June:		October:	
British Columbia.....	10,270	British Columbia.....	30,591
Sandwich Islands.....	20,488	Chili.....	31,651
Chili.....	9,290	Sandwich Islands.....	20,641
Peru.....	20,311	Australia.....	7,173
	64,812	China.....	6,419
July:		Peru.....	20,710
British Columbia.....	15,288		117,192
Sandwich Islands.....	10,723	November:	
Chili.....	31,324	British Columbia.....	30,241
Peru.....	7,477	Australia.....	33,927
	64,812	Sandwich Islands.....	10,042
August:		Mexico.....	3,824
British Columbia.....	23,769	Chili.....	7,761
Sandwich Islands.....	17,142		85,795
Australia.....	18,680	December:	
Chili.....	15,148	British Columbia.....	23,491
Peru.....	7,323	Sandwich Islands.....	15,942
	82,062	Peru.....	10,784
		Chili.....	6,640
		Australia.....	11,700
			68,562

IMPORTS.

Countries.	Amount.	Countries.	Amount.
January:		July:	
British Columbia.....	\$1,000	British Columbia.....	\$1,011
February:		Peru.....	75
British Columbia.....	3,575	Sandwich Islands.....	95
Sandwich Islands.....	300		1,181
	3,875	August:	
March:		British Columbia.....	1,773
British Columbia.....	2,500	China, (Hong-Kong).....	207
Chili.....	109		1,980
Sandwich Islands.....	50	September:	
	2,650	British Columbia.....	1,591
April:		Sandwich Islands.....	7,021
British Columbia.....	4,113		8,612
Sandwich Islands.....	5,682	October:	
Bolivia.....	40	British Columbia.....	1,545
	9,835	Sandwich Islands.....	103
May:			1,648
British Columbia.....	3,345	November:	
Chili.....	1,250	British Columbia.....	1,022
	4,595	Sandwich Islands.....	467
June:		Peru.....	250
British Columbia.....	1,523		1,739
Peru.....	827	December:	
	2,350	British Columbia.....	1,231
		Sandwich Islands.....	250
			1,481

The articles shipped foreign are lumber, masts, spars, round and hewn timber, coal, agricultural products, beef, and mutton. The principal articles imported are tea, sugar, coffee. The market for the larger portion of our lumber and coal is in California.

The number of vessels which entered at the Port Townsend custom-house in 1878 was 495, their tonnage, 290,345; but this does not represent the commerce of the Puget Sound district, either as to the number of vessels entering or as to its actual tonnage, for most of the vessels engaged in the coal trade and many of those engaged in the lumber trade are owned and registered in San Francisco. The number of vessels which passed the Fatoosh Island light-house, which is at the entry of that congeries of waters known legally as Puget Sound, in the year 1878, was 1,503.

Again: The explorations of late years have fully demonstrated that the eastern portion of what is known as the Puget Sound basin is an immense coal-field. The coal is already known to extend over an area of one hundred and fifty miles in length by at least thirty in width. It is an excellent quality of bituminous coal. But little of pure anthracite has yet been found. In six years the amount taken out of our mines has increased from one thousand to over one hundred and fifty thousand tons annually, and still the demand is much greater than the present supply. In the time mentioned above three railroads have been built from the sound to the coal-fields: the North Pacific coal road, thirty-one miles in length, completed last summer; the Seattle and Walla Walla Railroad, twenty-two miles in length, also completed to the coal-fields last summer; also the Newcastle

road, which has been in operation in connection with a steamboat line for about five years. The last line is about twenty miles in length. The coal delivered in bunkers on the sound is worth \$4, gold coin, per ton.

Coal outside of Washington Territory is not abundant on the Pacific coast. There is a little in Oregon, also in California, but it is limited in quantity and inferior in quality. We supply California, and especially the Central Pacific Railroad and the Pacific Mail Steamship Company, large quantities annually. Thus it will be seen this industry is but in its infancy; that it has grown to large proportions within the last six years; that it will soon equal in volume the lumber trade, and afterward become the leading industry in Western Washington. In this regard my Territory is the Pennsylvania of the Pacific coast. With iron ore in the greatest abundance and of superior quality, contiguous to the coal-fields, and with forests such as cannot be found elsewhere on this continent, and with a developed wealth of over \$19,000,000, and a rapidly increasing population, all of the elements of prosperity and permanency are assured.

The following table will show the commencement and growth of the coal trade at Seattle:

	Tons.
1871.....	4,918
1872.....	14,830
1873.....	13,572
1874.....	9,027
1875.....	70,157
1876.....	104,556
1877.....	112,734
1878.....	128,583

In the mean time at least forty thousand tons per year were taken from the Bellingham Bay coal-mines. The Northern Pacific Railroad Company have been taking out for the last two years at least twenty thousand tons per year from their mines on the Puyallup, and are now fully prepared to take out large quantities. Another mine has been recently opened at Tenino, on the Northern Pacific Railroad.

I regret to say that I have not at hand the data which would enable me to speak with the accuracy I could desire concerning the extent and present value of the fishing interests of the Columbia River, Shoalwater Bay, and Puget Sound. But it is already a considerable interest, has steadily increased in volume from year to year since its establishment, and will continue to do so until the supply of canned and salted salmon shall equal the demand.

The value of the canned and salted salmon of the Columbia and Puget Sound put up the last year is estimated at one million and a quarter, gold coin. About one-half of this ought to be credited to the Territory, the other half to Oregon. The oyster-beds of Shoalwater Bay yield their owners over \$100,000 annually. Oysters and clams are abundant on the sound, but as yet but a limited quantity has been exported.

I have now stated the natural resources, with the extent of their present development, which peculiarly belong to the western portion of the Territory. Those remaining can be grouped together and are common to the whole Territory.

The heavily timbered lands of Western Washington are rich in all the elements necessary for the successful production of clover and all of the tame grasses. No finer meadows, no richer pasturage can be found anywhere else in the United States. They are not like the pine lands of the South and West, valuable only for their timber. The fir and cedar timber of the Northwest stands in a heavy but rich clay soil. It needs but the removal of the timber and the genial warmth of the sun to produce the grasses and vegetables, and even the cereals, in abundance. The above is predicated of the timber lands proper. Besides these there are in Western Washington a large area of valley and tide lands. The first named are covered with a heavy growth of ash, cedar, curl-maple, vine-maple, cottonwood, and, where the soil is of a clay loam, cedar. Both are of inexhaustible fertility. Nowhere else can the production of the lands be equaled so far as the cereals are concerned. I can safely say that fifty bushels of wheat, seventy-five of oats, and sixty of barley is the average yield per acre on these lands.

These valley lands, as well as those of Eastern Washington, are eminently adapted to the production of the hop. This plant, grown upon these lands, is free from mildew and all other diseases, excellent in quality, and is extensively cultivated. Not less than ten thousand bales were raised last season. Sixteen hundred pounds per acre the second season, and twenty-five hundred the third year and afterward is an average crop.

Eastern Washington is mostly a prairie country. Its surface is that of long and heavy swells or undulations. These are covered with a luxuriant growth of bunch grass. The soil is rich in volcanic ash. Its climate is equitable and mild; hence as a pastoral and agricultural country it is unequalled. Vast herds of cattle, sheep, and horses roam over its undulations, subsisting winter and summer on its natural pasturage alone. This country, with Eastern Oregon and Northern Idaho, sends vast quantities of beef and mutton to California, Nevada, and British Columbia annually. It costs nothing to raise horses, sheep, or cattle but a little care and attention. Already the country is quite fully stocked, but the limit of its natural pasturage in this regard is far from being reached.

The great basin lying between the Wind River and Cascade ranges

of mountains, and north of the forty-fourth degree of north latitude, is destined in the near future to be the granary of America. The Columbia River, with its various tributaries, drains this vast basin. It is the Danube of America. As the country along the Danube and its tributaries has been producing wheat for the last two thousand years without any diminution of quality or quantity, and is in fact the granary of the eastern continent, so will this vast country lying on the Columbia and its tributaries in a no distant future be sending its surplus millions to the markets of the world.

Walla Walla and Columbia Counties, with a population of about twelve thousand, last year produced a surplus of over a million of bushels. Whitman and Yakama will add half a million more; Island, Whatcom, Snohomish, Clark, and King half a million more. In fact, Washington Territory the last year exported more grain than California, the great grain-exporting State of the Pacific coast, exported for any one year for eight years after her admission into the Union as a State. In fact, give Eastern Washington cheap and ample transportation to the sound, and she will more than double her exportation of wheat, oats, and barley, beef, mutton, bacon, and wool the first year after the consummation of so desirable a fact, and afterward swell it into the millions. Her capabilities are sublimely great. Soil, climate, and every other factor entering into the question of growth, wealth, permanence, population, and power are in her favor.

She has within her borders near two hundred miles of completed railroads. About half of it has been built by her own citizens, without lands or other subsidies, but built in obedience to the demands of internal trade and commerce. She has more lines of railroad than Oregon, and is fast becoming her competitor in wealth and population.

Her climate is unequalled for health and its mild character. The health of her people is greater, sickness less, and the death rate lower, according to numbers, than any other section of the American Union. Having shown, then—

First. That the people are anxious and willing to assume the burdens of State government, and what they have done in that regard;

Second. That neither the Constitution nor the precedents of the Government in that regard establish any arbitrary rule of population, and that it would be unwise to do so;

Third. Having shown what the present population of the Territory is, how rapidly it is increasing, its character and the character of the domestic institutions established, and that all were in harmony with the genius of our institutions, and that said population possessed sufficient present wealth to support the burdens of a State government, I proceeded to discuss—

Fourth. The natural resources of the country and the extent of their development, with a view of ascertaining whether they were sufficiently numerous, important, and extensive as to give us assurance of continued growth, increasing wealth, permanence, and durability. I know not how they may appear to others, but to me they have all the force of moral demonstrations.

One other argument on the general proposition and I close. The interests of the Pacific coast are not only growing in national importance from year to year, but in a very general sense they differ from the interests of the eastern and southern portions of the Union; and in justice these interests require a larger representation in the Congress than they now have. Her system of river and harbor improvements must ever remain separate and distinct from those of the Mississippi Valley and the Atlantic slope. The methods, habits, and industries of her people are different. There is an infusion of a foreign element among her people, not only incongruous, but whose very presence and increasing numbers is a standing threat not only to the dignity of labor but to the perpetuity of her institutions.

The volume of business of the Pacific coast is equal to if not greater than that of any other people of the same number elsewhere in the Union. The individual wealth and solid circulating medium of her people are greater, and I may further add that her voting population is far greater than many States on the Atlantic slope who have far greater representation in Congress than she has. California, Oregon, and Washington Territory, with a shore-line of near twelve hundred miles, with a territorial area greater than all the Eastern States, and with a voting population of 194,837, has but four Senators and five Representatives in Congress, while Rhode Island, New Hampshire, and Vermont have only a voting population of 159,450, and yet have six Senators and eight Representatives, leaving a difference in favor of the Pacific coast of 55,387 votes. Give her two more Senators and one more Representative, and still the inequality remains. Is it politic to deny her this national representation? The directing hand ought to be present while the energies of a nascent empire are developing its controlling forces, so as to direct them in harmony with law and constitutional government.

There remains but one other consideration, and that is the boundaries of the future State. It is proposed to carry still farther east the eastern boundary of the Territory of Washington, so as to include the three northern counties in the Territory of Idaho. The reason for this is obvious to any one at all acquainted with the geography of that country. An almost impassable range of mountains, called the Salmon River Mountains, cuts off these northern counties from all business connections or relations with the rest of Idaho.

The people living in these counties, in order to go to the capital of their Territory, have to come a long distance south into Washington

Territory before they can fairly get on the way to their own capital. Their relation to the rest of the Territory is only a legal one. Their business relations are all with Washington and Oregon. They naturally belong to Washington. Nothing but a line of longitude divides them from us. The settlements join each other on grassy plains; schools, churches, and all their interests are the same. The people of these counties are a unit for annexation to us. They have expressed their desires in this regard by petitions, the nearly unanimous vote on the adoption of the constitution at the fall election, and through the voice of their trusted Delegate, who lives in one of these counties.

The boundaries indicated in the bill are natural boundaries. Mere lines of latitude and longitude are neither safe nor convenient boundaries for States or nations.

Hoping that the reasons for this "enabling act" are as satisfactory to you as they are to me, I submit the case to you.

Indian Question—Oklahoma Territory.

SPEECH OF HON. B. J. FRANKLIN,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, March 1, 1879,

On the bill (H. R. No. 1596) for the organization of the Territory of Oklahoma.

Mr. FRANKLIN. Mr. Speaker, the Indian question in all its phases is one of great interest, but as it relates to the country known as the Indian Territory it is one of special interest to all the States west of the Mississippi River. It is environed with many difficulties and I do not believe that any presentation of it can be made that will not be subject to criticism. Great commercial interests are involved in its solution, and it is well worthy the calm and serious consideration of this House and the country. It has no relation to politics. I sometimes think if it had, it would be more seriously considered and would receive greater attention.

I believe, sir, that the best interests both of the Indian and the people of the entire country demand that Congress should establish a civil government in the Indian Territory, not only for the better security of the rights of persons and property there, but in order that great commercial interests may be better subserved. The public mind, especially of the West, is awakening on this question, and it will yet be heard in this Hall, and with power.

No good reason can be assigned why seventy thousand square miles of the most fertile land of the continent should be dedicated to barbarism; no good argument can be adduced in support of any law that prohibits it from contributing to the wealth and greatness of the country. Many of the questions presented in this bill have on many occasions been discussed in this House, but it contains some provisions that are entirely new and that have not been before presented in any bill. It is broader in its scope, and I undertake to say that it does more justice to the Indian than any bill on this question that has been presented for the consideration of Congress. It discriminates against nobody; it is fair to the Indian; it is fair to the whole country.

More than twenty years ago a distinguished Senator from Arkansas, Mr. Johnson, distinguished alike for his high character and ability, who was the special friend of the Indian and upon every measure relating to them their champion, introduced a bill for the organization of a territorial form of government over the country for which this bill provides a civil government, and from time to time since then bills of a similar character and for a like purpose have been brought to the attention of Congress.

It sometimes seems to me that we are a little too far west for this question to be properly considered, but the tide of emigration that is planting its millions within our borders and creating new States will soon settle that. I have on this floor had occasion to say if this country were situated in a latitude far to the east, a different course would have been pursued, and that no such condition of affairs as now exists there would have been tolerated.

Public sentiment, which is the school-master of public men and the potent force that shapes their actions, has been in the mean time steadily but surely growing in favor of a change being made in the condition of affairs now existing in the country to which this bill relates, and it does not require the voice of prophecy to inform us that the present conditions there cannot much longer continue. It is against reason, it is against justice, it is against right, it is against the theory upon which our Government is founded that these conditions shall longer remain.

Wise legislation demands that every acre in all the States and all the Territories shall be put under their greatest producing capacity. This is one of the sure roads to prosperity. We may talk as we please about the currency and how legislation should be conformed to produce prosperity in monetary affairs; but, sir, I tell you that it is from agriculture that we are to recuperate our fallen fortunes; it is through that great interest we are to expect prosperity to come in this country.

Under just and beneficent laws every portion of the Republic should be made to equally contribute to the welfare of the country, and all persons of every race and every creed should be governed by the same laws. Let all stand under the same law and be held to the same accountability. We should have no distinct laws for distinct races.

This bill merely establishes the ordinary territorial government over the Indian country, the same in kind and form as is usually established by Congress when new Territories are created, except where the peculiar condition of affairs there compel other provisions to be inserted. And, Mr. Speaker, I desire this House to bear in mind, and desire in the beginning of my remarks to impress upon its attention, that no provision in this bill in any manner affects or infringes or in the least impairs the property rights of the Indians inhabiting the country over which this bill proposes to establish a territorial government.

It takes nothing from them; it enlarges their property rights and makes them the richest landed proprietors in proportion to their population in the United States. They inveigh against it now, at least their leading men denounce it and say that it is the sum of all villainies, that it robs the Indian. But I undertake to say that in the future those who are affected by it and will be affected by legislation which is sure to come, affecting the Indian Territory, will say that there is not a section or a line in it that does not do the Indian full and ample justice.

Section 5 provides that every male Indian of the age of twenty-one and upward who is a member of any of the tribes of the Territory of Oklahoma which have adopted the customs of civilized life, and that all citizens of the United States of the age of twenty-one years and upward who shall have lawfully resided in the Territory one year prior to the passage of the act, shall vote at the first election under the act for all officers to be elected by the people.

Can any objection be made to this provision? Is the right of suffrage to be scoffed at? Is it to be held of no importance? Is it not a right of inestimable value? Our fathers denied the right of Great Britain to tax us without representation. They denied that laws affecting our persons and property should be enacted without our consent and without due representation, and for the preservation of this great principle they were willing to sacrifice their lives, their fortunes, and their sacred honor. Is that great right of any less value to-day?

The war between the States eventuated in the liberation of more than four millions of slaves. All that were over twenty-one years of age were made voters. They were elevated to the proud position of electors, although their ancestors for centuries had been in a state of slavery. The Indian has never been enslaved. He has never yielded to any power that demanded of him as a condition of his surrender that he be subjected to slavery. He has always been a freeman, and yet the opponents of this bill tell us that men of this grand race who for almost a century have adopted the habits of the white man, governed by laws similar to ours, who wear our garb, who are intelligent, who are educated, who are well versed in the politics of the country, are not fit to enjoy the right of suffrage. In the future, when the history of this country is written and its warriors and orators are named, many of them will be of the Indian race. Pontiac, Tecumseh, Corn Stalk, Logan, Black Hawk, Red Jacket, Red Cloud, and Chief Joseph will not be forgotten.

If the proper policy had been adopted toward these men of the forest, if proper laws had been enacted in relation to them, their wisdom would have been felt in the councils not only of their own people, but the entire nation. If we had admitted them to citizenship, and they had represented their peoples as they should have done, millions of money would have been saved that have been expended in useless wars, and untold benefits would have accrued to the country.

This bill provides for the establishment of a United States district court for this Territory, and supplies a long-needed want of its inhabitants. No one will for a moment say that this is contrary to the provisions of the treaty between the United States and the five civilized Indian tribes, for an examination of those treaties will show that they clearly authorize the establishment of courts. As the law now stands, all crimes committed in the Indian Territory are cognizable before the United States court held at Fort Smith for the western district of Arkansas. It is a well-known fact, it cannot be successfully refuted, that more crimes are committed in the Indian Territory than in any section of the same population in the United States. This of itself is a sufficient reason why a court should be established there, with ample provisions to bring all offenders to justice and enforce the law for the protection of the rights of property as well as the rights of persons.

The bill provides that a Delegate to the House of Representatives of the United States, who shall be a citizen of the United States and reside in said Territory, to serve for the term of two years, shall be elected in the same manner by the same persons who vote for members of the Legislative Assembly, and that said Delegate shall be entitled to the same rights and privileges as are exercised and enjoyed by Delegates from other Territories of the United States.

Can any valid objection be had to this? If we look at it in an economic view, is it not praiseworthy? Committees who have examined

into this subject and reported to Congress have told us that more than \$20,000 per annum have been expended by the Cherokee Nation alone for the purpose of supporting representatives in Washington. They are sent here not for the purpose of legislating for the country, but the treasure that should be held sacred for all the Indians has been expended to keep any legislation from being enacted.

Section 17 of the bill provides that the Secretary of the Interior shall cause the lands in the Territory of Oklahoma to be surveyed—that is, all that are not surveyed—and that each and every person who at the passage of this act is a member of any tribe or nation occupying a reservation in said Territory, by birth, marriage, or adoption, including adults, minors, males and females, shall be entitled to a homestead of one hundred and sixty acres of the land embraced in said reservation of the tribe of which said person is a member. It further provides that the homesteads of adults shall be selected by themselves, and those of minors by their respective fathers, if living; and, if not, by their mothers or guardians. It further provides that the Secretary of the Interior shall prescribe the manner in which this selection shall be made, and shall prescribe the rules thereof.

Is there any injustice in this? This gives one hundred and sixty acres of land to every man, every woman, and every Indian child in the proposed Territory of Oklahoma. Where in all this country—in what State, in what district, or in what county—have the people such possessions? I defy the opponents of this bill to point them out. I defy any one from any of the great States east of the Mississippi to tell me if any of their people have such a landed interest in the country. And yet it is charged that the provisions of this bill rob the Indians.

It has been asserted, not only by the Indian ring but by prominent papers in some portions of the country, that the bill is in the interest of railroads and robs the Indian of his possessions. These assertions may be held valid until this bill is read, until it is properly examined. Why, sir, there are opponents of this bill upon this floor who have never read it. They tell you that the Indian is to be despoiled of his property rights; that the great corporations of the country are to come in and take his land from him; when upon proper examination of its provisions it will be found that every man, woman, and Indian child inhabiting this Territory shall receive one hundred and sixty acres of land that shall be inalienable for a period of twenty years, and that the balance shall be divided equally among all of them, and that they may sell that portion, provided the conveyance is approved by the Secretary of the Interior.

This bill further provides, in section 23, "that all acts granting lands in said Territory of Oklahoma to railroads, conditioned upon the extinguishment of the Indian title"—and that is the condition of all the grants that have been made—"be, and the same are hereby, repealed, and that the lands of any Indian reservation in said Territory shall remain the common property of all the Indians rightfully occupying the same, until such time as said lands shall be selected as homesteads, or allotted in severalty as hereinafter provided."

Can anything be broader than this? Can anything be more explicit? And I desire to say now, in this connection, that if any member of this House believes that any broader provisions should be inserted for the protection of these Indians, I ask that it be done.

I think that it was unwise, perhaps, in Congress to make any such provision; at least it has been held up as a great argument against the organization of a civil government there, and in this respect it has worked great wrong and injury to the whole country. We are told that it is a mere scheme to enrich corporations—that the railroads are to be benefited. Now, if there is any gentleman in this House who desires to protect the Indians in their property rights, as far as the lands of this country are concerned, I desire him, nay, I ask him and beseech him, to insert any provision that he may deem proper in this bill in order to take it from the railroads and give it to the Indians, and I assure him it will meet with the approval of every advocate of this bill.

It is popular, now, to utter anathemas against corporations and to inveigh against railroads. It is a grand theme with the demagogue. But I hold that corporations should be treated with that same degree of fairness that all other interests in the country are treated. They should receive the same consideration, nothing less, nothing more. If vicious legislation has been enacted heretofore, we should correct it as far as equity allows it to be corrected.

Great interest demands that the wall of isolation built around this Territory should be torn down. It should be made a Territory subject to the same laws as the other Territories of the United States. Why should an exception be made in this case? Why should this idea of separate Indian independency and nationality be longer tolerated by the American Congress? Why should not the Indians who inhabit this country and this Territory be subjected to and protected by the same laws as the people of the several States of the Union? Is there any just reason why civilization and progress should be longer prohibited from exerting their beneficial influence for the advancement of the country to which this bill relates, or why its inhabitants should not have the protection of the law afforded by a territorial government?

This bill, as we have said, merely establishes the ordinary territorial government, the same in kind and form as is usually established by Congress when new Territories are created. It benefits the In-

dians, and upon a close examination of this important question it will appear beyond a doubt that the ultimate welfare of the Indian demands this step be taken, and that the material interest of the whole country—especially the western portion of it—requires that this Indian country be subject to the influence of law, and that it be controlled by a higher civilization than is yet permitted there. The interests of the white man and Indian alike demand this.

In discussing this question we must not forget that there are other interests than those of the Indian to be taken into consideration. That people is not alone to be considered in determining this question. We must consider it in its entirety. Several thousand white men, by express authority of the Government, are legal residents of this Territory, and own property of great value within its limits, and non-residents, by the same high authority of the Government, have built up great interests within its borders. From the best information I can gather upon the subject there are to-day not less than twenty thousand white men who are legal residents there, and the value owned by them and the non-residents of whom I have spoken is not less than \$12,000,000. "All these vast interests are without any adequate protection of law, and Congress refuses to extend the needed legislation" under the false plea that the rights of the Indian will be invaded.

Before pursuing this branch of the question further, I will briefly refer to our Indian policy in the past. I believe it is admitted by all who have given the subject the necessary thought that our Indian policy must change. Heretofore we have made treaties with them, but under the law as it now stands we are prohibited from that course of procedure. By prohibiting any treaties being made with the Indian tribes, Congress has taken the broad ground, and it is doubtless the correct one, that we have the right, the indisputable right, to deal with them as we see proper. Yet, Mr. Speaker, in the exercise of this broad power, we should guard their rights with scrupulous care; and not depart one line from the path of justice. Any departure from such a course would reflect upon the honor of the United States. Our fathers, when they landed upon the shores of the Atlantic, to found a new nation and plant liberty in the Western World, found the red man occupying all the continent of America. Their domains extended from ocean to ocean, "the smoke of their council-fires darkened the whole land," and their wild shouts and angry war-whoops as they entered the red-handed foray were heard on every mountain-top and in every valley of the New World.

The historian tells us that the race numbered then three million; now it numbers not more than three hundred thousand. Many of the most powerful and warlike tribes have become extinct. They live only in history. We cannot, even if we desire, pursue the same policy with them as we have in the past; a new condition of affairs surrounds them which demands that a new policy should be inaugurated. From the foundation of the Government we have driven them before the advancing tide of civilization until there is now no western wilderness into whose depths we can plunge them. Ah! how full of meaning to the Indian are the words of a distinguished warrior who, while reflecting upon the encroachments of the white settlers upon his hunting-grounds, exclaimed in the bitterness of his soul, "Where the white man puts his foot down he never takes it up again." Ah! there is much meaning in that. He has never taken it up in this country, and where he puts it down it remains and civilization follows, prosperity follows, good laws follow.

By our methods of dealing with the Indian, under the workings of our mistaken policy, we have kept him uncivilized, we compel him to be a barbarian, and then punish him for it. We create certain conditions, render him subject to them, and then hold him to a strict accountability for actions that are the natural and legitimate outgrowth of those conditions. Is this right? Is it humane? The Indian is not alone responsible for his uncivilized condition. It is the result of the false policy that has guided us in our dealings with him for almost a century. We found them "a happy, contented, and powerful people," their "seats extending from the rising to the setting sun." They occupied the whole country, and their numbers were counted by millions. Now, under the blighting influence of our false and cruel policy, they number but little more than a quarter of a million. Some estimates from those high in authority place it at less than a quarter of a million, some place it at more, but it cannot be told with any exactness, for no correct enumeration of the Indian has ever been made, and in the condition of present affairs cannot be made. The traveler in his journey now from the Atlantic to the Pacific will have traveled more than a thousand miles before he meets with one of the race. His name lives only in the beautiful rivers that mark the hunting-grounds of his fathers, and in the grand mountains that rise in their mute but eloquent majesty from the great plains where they met in bloody combat to settle disputes of title, and upon whose prolific bosom they gathered subsistence from the chase, before a higher civilization took up its abode upon the shores of the Atlantic. We have been powerful enough, we have been sufficiently intelligent, we have been surrounded with all the necessary means to have long since reclaimed the Indian from barbarism, and had we been brave enough he long since would have been clothed with civilization. I do not use the word brave in its ordinary sense, but I mean had our policy in the past been a little less selfish; had we been willing to undergo the inconvenience resulting from contact with the Indians

while in the transition state from barbarism to civilization; had a policy that looked to the permanent welfare of the Indian and white race been pursued instead of the temporizing one that has marked our course, the Indian problem would long since have been solved. Heretofore the chief and ruling feature in our Indian policy has been to remove them further west whenever we found them an obstacle in the pathway of civilization. That course of procedure seemed the easiest to pursue, and we have followed it for a century. Millions of the public treasure have been expended in their removal and to counteract evils resulting therefrom.

History fails to show where any powerful tribe or nation, or even any small band of Indians, ever willingly exchanged the home of their ancestors for any other, or where they ever gave up the graves of their kindred unless under compulsion. Go ask Chief Joseph in his solitude and sorrow, thinking of the graves of his kindred, of his family, and of his tribe, away to the northwest, in the mountains of Idaho, if he willingly subscribed to any treaty placing him in the Indian Territory. He says that any such action is a foul wrong and a violation of the plighted faith of the Government. I saw him in the latter part of October last, blanketed and sullen, in his camp in the northeastern portion of the Territory, protesting against his removal. He asked the committee of the Senate who visited him why the terms of his surrender had not been complied with. It could not be answered. He did not object to being subservient to the United States, but he did object, with great force and with much eloquence, against being forced to remain there, and says it is a violation of the terms of his surrender. He talked of the land from whence he had been taken, he spoke of the graves of his people, of his fathers and children, in language of surpassing force and eloquence. He said that it grieved him to give up his old hunting grounds; that he could not surrender them; that he looked upon them as an inheritance bequeathed him by the Great Spirit.

It is true that treaties can be offered showing the acquiescence of the Indians, but their provisions do not contain the truth, for although their consent is embodied in them it is the result of a forced consent.

It is a singular fact, nevertheless true, that although the red men have been decreasing, although they have been fast "fading away before the march of years," the expenses of the Indian Bureau have been increasing.

From 1839 to 1849 the Indian Department cost \$17,611,837.98; from 1850 to 1860 inclusive it cost \$34,169,799.83; the total cost from 1870 to 1876 inclusive is \$44,303,332. Thus it will be seen that the expenses of the Indian Bureau increased in ten years, from 1850 to 1860, over \$17,000,000—from what it was in 1839 to 1849. From that time until the present the increase has been the same. The Government has been fleeced, the Indian has been fleeced; the contractor and the Indian agent have been benefited. They all oppose any change in the condition of the Indian. They say he is happy now that he is contented. The truth is they are happy and contented in robbing him and defrauding the Government.

The Indian has been the objective point of fraud long enough. We should enact such laws as would prevent it. He knows no law but that of force. He will obey none other. The law directs force to be applied when necessary, and it is the proper corrective. Why, Mr. Speaker, the money we have expended upon the Sioux Indians alone amounted to more per annum for the last eight years than was expended on all the tribes under our control fifty years ago. Understand me, I do not include, either, in this estimate the vast amounts we have expended in war with the Sioux Nation. That is not included in this estimate. What a commentary upon our Indian policy. We have engaged in angry debate here for days upon the expenditure of a few thousand dollars demanded by Representatives for their districts; we have refused them, and yet without hesitation, year after year, we vote millions upon millions of an increase for the expenditures of the Indian department.

I do not understand, nor do I believe the people understand, why it costs more to-day to carry on the Indian Bureau than it did ten or twenty years ago. The Indians have been decreasing year by year, and why it is that additional treasure is demanded as the years go by cannot be satisfactorily explained. No sufficient reason has been given for it, and none can be found unless it be that we are answered that the policy we have pursued is wrong; that we have been traveling on the wrong road in respect to the Indian. I think that is the correct answer to the question. When we cease to treat him as an enemy; when we cease to regard him as an alien; when we incorporate him in the body-politic, then will expenses for the Indian Bureau decrease, and not until then.

It seems to me, Mr. Speaker, it would have been far better for both races had we abandoned our Indian policy long ago. The truer one would have been to have allowed them to remain upon their reservations and to have become civilized by contact with the white race. This bill allows that to be done. It secures the Indian in his homestead of one hundred and sixty acres and says that it shall be inalienable for twenty years. The balance of the land allotted to him under the bill he is allowed to transfer, but the deed is to be approved by the Secretary of the Interior. This clause will allow white men to settle within its limits. That it is beneficial for white men to settle with Indians the history of the race in all the States and Territories from the foundation of the Government will testify. The

superior race always exercises a beneficial influence upon the inferior race. That is the history of the world.

It is folly to suppose for a moment that the Indians will ever become civilized if we drive them from our midst and deprive them of the influence of our association and our laws. We should have clothed them with citizenship whenever their condition admitted of such a step, made them equal before the law, and instead of allowing them to hold their lands in common, they should have been allotted in severalty. Had such a policy been adopted fifty years ago our country to-day would contain but very few uncivilized Indians, and the expenses of the Indian Bureau would not be one tithe of what they are now, and an Indian war would be a thing of the past.

Mr. Speaker, the greater number of the Indians affected by this measure are civilized; they long since adopted the customs and habits of the white race, and are well fitted for citizenship. They are intelligent and well worthy in every respect to become a part of the body-politic. It has been more than three-quarters of a century since they engaged in civilized pursuits; they wore the garb of the white man, tilled the ground, erected school-houses and churches long before they left their homes east of the Mississippi.

There are about thirty-five tribes now occupying the Indian Territory. The Cherokees, Choctaws, Chickasaws, Creeks, and Seminoles are the most powerful, and are what are known as the civilized tribes, though there are several of the smaller tribes, such as the Senecas, Peorias, Shawnees, Wyandottes, Pottawatomies, and others who are equally civilized and intelligent, yet are not so numerous. The reservations of the five civilized tribes are becoming less every succeeding year. They have parted with millions of acres even in the last decade, and if the allotment of their lands is postponed to a much later date they will receive but a small number of acres *per capita*. A few influential men in each tribe control everything. They are the potentates; they prescribe the laws; they make the treaties; they sell the lands agree upon the price, and the great majority of the tribe have no part or lot in the transaction. They live in luxury here while the great mass of the Indians are in poverty. It is no wonder they object to any change.

If this bill should be accepted now it will prove a great boon to the Indians inhabiting this Territory; but if it is postponed for years and they demand an allotment of their lands, they demand that they shall have a title in severalty, they will find that their great heritage has already been disposed of. It was never intended that this vast extent of country should be forever in the exclusive possession of the Indians. They became possessed of it by treaty, and were invested with no higher title than that by which they held their homes east of the Mississippi. Their title to it to-day is of the same kind and character as that under which all the Indian tribes held their reservations.

Mr. Jefferson, we are told, conceived the idea of making a portion of the Louisiana purchase the home of these tribes. Immediately after the ratification of the treaty by which we acquired it we find him giving expression to his views as follows:

The inhabited part of Louisiana from Pointe Coupée to the sea will of course be immediately a territorial government and soon a State, but above that the best use we can make of the country for some time will be to give establishments in it to the Indians of the east side of the Mississippi, in exchange for their present country and open land offices in the last, and thus make this acquisition a means of filling up the eastern side instead of drawing off the population. When we shall be full on this side, we may lay off a range of States on the western bank from the head to the mouth, and so range after range advancing compactly, as we multiply.

Is his meaning not clear? Can any one after reading it doubt for a moment what he intends to convey? He says the best use we can make of the country for some time is to give it to the Indians for a home. He says for some time, not forever. His theory was that until the waves of population had crossed the Mississippi this portion of the Louisiana purchase should be the abode of the Indians, but when emigration planted itself on the western bank of our great river, then a range of States were to be laid off; Iowa, Missouri, Arkansas, and Louisiana were to be first erected into sovereign, independent States; then civilization and progress in its western march to the Pacific were to demand the erection of the second grand range of States in this empire of the West—Nebraska, Kansas, and Oklahoma forming this second range or tier.

Sir, the theory that this immense area of country is to be forever dedicated to barbarism, that the barriers against civilization and progress that now encompass it are to remain, is not in consonance with the principles of natural law nor abstract justice. It has no secure foundation on which to rest. Shall this Indian Territory remain in its present condition? This is no small question with the people west of the Mississippi. The district that I have the honor to represent, nay, the great empire State, the fifth in the Union, that I have the honor in part to represent upon this floor, deems it a great question. By the present condition of affairs we are shut out from the Gulf. An impassable barrier has been built around this Indian Territory and our commerce is prevented from pursuing its natural channels.

The same objection to the organization of a territorial government will exist fifty years hence that exists to-day. We will then be told, as we are now, that it cannot be done without violating treaty obligations. The same complaints of the oppression of the Indian will be uttered, the same pharasaical language will be used in reference to this question.

The question for Congress to ask is, does a great public necessity exist for placing this country under a well-organized government? Do great national interests demand the change? Do the commercial interests of any great portion of our country demand that the barriers that now surround the Indian Territory be torn down? Shall we reject this measure under the plea that the General Government has not the right or the power to do so until the consent of the Indians has been obtained? Shall we for a moment admit that the United States has parted with its sovereignty so far as this territory is concerned? Certainly no one, I care not how much opposed he may be to this measure, will attempt to stand upon such a frail and unstable basis. I maintain that we have not only the power but the right to create the government proposed by this bill; that it is clearly within the constitutional province of Congress to take such action. He who denies this must maintain that a portion of the sovereignty of the United States has been surrendered to the Indians, and that we have another sovereignty within this Republic. No such surrender can be made. In support of this I quote what a distinguished member from Indiana, the late Speaker of this House, Hon. M. C. Kerr, said on January 16, 1873, upon a bill containing similar provisions to this.

I hold that it is a lawless assumption of power for any commissioner appointed to negotiate a treaty with the Indians to attempt to go to the extent of surrendering in favor of these Indians any part or parcel of the sovereignty of the United States. That is not transferable in any such way. It belongs to the people as an inheritance, which Congress or the treaty-making power may not lawfully sell or surrender.

That is the position that I hold to-day. I concede that Congress has the right, and that it has exercised the right, to sell to these Indians the lands in the Indian Territory, but I deny that the right of sovereignty has been surrendered. We have the right to deal with them as we please, and should never fail to exercise it when the interest of the Indian and the white man demand it. Why, sir, this idea of Indian sovereignty, when we view it from the light that our treaties with them shed on it, and the policy that the General Government has maintained toward them for a century, is simply ridiculous.

Mr. Kerr, upon the same occasion above referred to, also says:

I do not deny the right of the Federal Government to transfer these lands of the United States (for all the Indian lands at one time or another have belonged to the people of the United States) to private owners or to railroad companies, or to the States or to schools. The moment any such transfer is made—indeed both before and after such transfer—such lands are subject to the laws of the Federal Government for all the rightful purposes of civil government and of sovereignty. They remain always subject to the sovereignty of the United States, which has never surrendered and cannot surrender. In the very nature of things it is impossible that this Government through the treaty-making power shall reduce itself by a treaty with a band of semi-savages or uncivilized Indians or of barbarians to anything less than the supreme government. Any attempt to do any such suicidal thing should be rebuked and disregarded. The power of legislation for the regulation, protection, and improvement of the Indians has never ceased but resides in Congress.

Can a people be called an independent nation, can we say they are sovereign when by the supreme law of the land they are under the protection and subject to the entire control of another sovereignty? Can there be two independent peoples, two sovereignties in this nation? No tribe of Indians within the limits of the United States can lawfully dispose of an acre of land without the consent of the United States. We regulate commerce with them; we prescribe their rules of conduct; we tell them how they shall be governed, and yet in the face of all this, men on this floor undertake to say that they are independent nations. Ah, what a farce upon the name! Would the United States for a moment allow any encroachments upon their rights by a foreign power? Would we wait to be implored by them to go to their assistance? Would we not esteem any infringement upon their rights as an infringement upon our national rights? Is not our Constitution the supreme law, and is not every rational being within the limits of this broad Union compelled to bow to its authority?

It is a true and an undeniable fact that in all our dealings with the various tribes, in all the laws and rules we enact for their conduct, we premise their subserviency. We impose taxes upon them without asking their consent. We do with them as we please. This sickly sentimentality about the wrongs of the poor Indian should be thrown to the winds; great national interests should be considered, but always considered not without ample justice being meted out to the Indian when the law relates to him.

In reference to Indian nationality I will here quote what Chief-Justice Marshall says in the case of the Cherokee Nation *vs.* The State of Georgia, (5 Peters:)

In all our intercourse with foreign nations, in our commercial regulations, in any attempt at intercourse between Indians and foreign nations, they are considered as within the jurisdiction limits of the United States, subject to many of those restraints which are imposed upon our own citizens. They acknowledge themselves in their treaties to be under the protection of the United States; they admit that the United States shall have the sole and exclusive right of regulating the trade with them and managing all their affairs as they think proper. They occupy a territory to which we assert a title independent of their will, which must take effect in point of possession when their right of possession ceases; meanwhile they are in a state of pupillage. Their relations to the United States resemble that of a ward to his guardian. They look to our Government for protection, rely upon its kindness and power, appeal to it for relief from their wants, and address the President as their Great Father. They and their country are considered by foreign nations, as well as by ours, as being so completely under the sovereignty and dominion of the United States that any attempt to acquire their lands or to form a

political connection with them would be considered by all as an invasion of our territory and as an act of hostility.

This declaration of the great Chief-Justice in potent words says to us that we could not for a moment and should not tolerate any invasion of the Indian Territory; that if their rights were invaded we were invaded; they are under our protection; they are under our control, and that any act of hostility against them is an act of hostility against the United States.

Now, the House will bear in mind that one of the litigants in this case was the Cherokee Nation, one of the civilized tribes inhabiting this proposed Territory. Have these Indians changed their conditions since this decision was rendered? Have they acquired additional sovereignty? Have they any more of the attributes of a nation than they then had? I pause for an answer. If they have any more sovereignty now than they had then, when did they acquire it? What rights have they become possessed of that they did not possess then?

The highest tribunal in this land, the Supreme Court of the United States, has said that an act of Congress could contravene a treaty, that an act of Congress could annul what the opponents of this bill style a solemn treaty obligation. Yes, a solemn treaty obligation with a petty Indian tribe. What a farce! And in this day it is not worthy of comment. We hear often of the inviolability of treaties; that they are the supreme law of the land. But, sir, time and again it has been decided that an act of Congress is equally the supreme law. The one is no more inviolable than the other. A law of Congress contravenes a prior treaty, a treaty annuls a prior act of Congress. Such is the established law of the land.

And in support of this position many authorities can be cited. (See 11 Wallace, page 616.) The distinguished Senator from Ohio, Mr. THURMAN, when the Senate had under consideration bill H. R. No. 2423, to restrict the immigration of Chinese to the United States, used the following language:

A treaty is a law according to the Constitution, and its modification or its abrogation belongs to that department of the Government which makes and unmakes laws.

Mr. President, in pursuance of this view we have again and again modified, or even abrogated, or put an end to treaties. The most notable case—one that excited this country very greatly at the time it happened—was the action of Congress in 1798 in regard to the treaties made with France, including that celebrated treaty of the Revolution with France, to which we owed so much in achieving our independence. In 1798, by act approved July 7, Congress declared as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States are of right free and exonerated from the stipulations of the treaties and of the consular convention heretofore concluded between the United States and France, and that the same shall not henceforth be regarded as legally obligatory on the Government or citizens of the United States."

These treaties are nothing more nor less than legislative acts, and owe their continuing force to the will of the National Legislature, for the plenary power resides in Congress to regulate the trade with the Indians and control them as it deems proper. Treaties with them can be annulled or repealed whenever it is the will of Congress to do so, and Congress in this behalf should never fail to act whenever it deems the public good requires it.

Why, Mr. Speaker, it has been but a few days since this House voted by a large majority to annul solemn treaty obligations that we had made with the empire of China. Why was it done? What was the argument offered in favor of placing the veto of this nation upon that treaty? It was that a great public necessity required it. The advocates of that measure tell us that the interests of the Pacific coast require it, and that it is the duty of this country to abrogate the treaty.

This thing of abrogating a treaty is not a question of right, not a question of power; it is only a question of expediency. Whenever we desire to abrogate a treaty with any foreign nation we simply ask ourselves is it expedient to do so. Does a great public necessity require such action? Is it the interest of the United States to stand by it at any cost? Those are the questions that present themselves to us.

I do not wish to be understood, Mr. Speaker, as saying that I am in favor of annulling any treaty that has been made with the Indian tribes, unless what I conceive great public interests absolutely demand it. Nor do I believe that Congress can lawfully interfere with the title to their lands. I desire to be understood on that point. Their rights should not be infringed upon; justice should by all means be measured to them; yet Congress, in the exercise of its discretionary power and guardian care over them, should be the sole judge. Why should they be set up as a separate, independent people, whose wants should be specially regarded? Such a doctrine is inconsistent with the theory of our Government. Shall we have a people for whom special laws shall be enacted?

I will here insert an extract from a speech delivered by Senator Benton in the Senate on the 4th of February, 1835. (See Debates in Congress, vol. 11, part 1, page 306.) In speaking of Indian treaties he said:

When the word treaty was put in the Constitution, that treaty only was meant which was known to the law of nations. In the first place, it was a treaty that must be made with a foreign nation; and, in the second place, it must be with a nation that had the power to contract a treaty.

Were these treaties made with the Indian tribes such as were recognized by writers on national law? He denied that it was permitted to statesmen to take

such shallow views of a subject so exalted as treaties between two sovereign powers.

If this bill should become a law it would not disturb Indian land titles. It enlarges the title. It gives them a title in fee, a higher title than any one will pretend they now have.

No bill, I care not what provisions it may contain, will ever receive my support that takes one acre of the domain from the Indians unless it meets their unqualified approval and assent. Congress has not the power, much less the right, to divest them of their title. The land is theirs, and I desire them to enjoy it forever, and while I am a member of this body my vote shall never be recorded for any measure that infringes upon their property rights in the least degree. The lands belong to the Indians, and I desire them to be theirs; but Congress has the right to enact just such laws as it pleases in relation to them—not to interfere with their title, but for the regulation, protection, and improvement of the Indians. I am the warm advocate of giving them a better title, of granting them a higher estate in the lands they now occupy.

It is unnecessary, sir, in the advocacy of this bill, to enter into any discussion concerning the kind of title the Indians have to this country. Whether it be a title of occupancy or in fee amounts to nothing as far as this question is concerned. That question has long since been settled by the Supreme Court of the United States. But I shall not refer to it, because it is not necessary. I concede the Indians own all the lands in this Territory except what they have ceded to the United States, but I deny that any part of the sovereignty of the United States was ever surrendered to them, or could be surrendered by any power whatever. Concede that the Indians own all the lands, let them hold them by the highest title if you please, yet Congress is not debarred by that fact from legislating in regard to this country.

I have received, as all the advocates for the establishment of a civil government in the proposed Territory of Oklahoma have received, much abuse for pressing this question; yet I have the consolation of knowing that I am sustained by the people whom I have the honor to represent; and in this connection I refer to resolutions passed by the Board of Trade of Kansas City on the 20th of January, 1879. They are as follows:

Whereas in our judgment it conclusively appears from the provisions of existing treaties that the Indian Territory can be legally opened to settlement, and that such settlement would tend to the material and moral advancement of the Indians, and to the better protection of the rights of persons and property within the limits of the Territory; and that the intelligent and educated portion of the Indians favor such legislation; and that such legislation will not destroy or disturb the autonomy of the tribal organization of the Indians; and that it will the better subserve the preservation of the funds and lands belonging to and owned by them; and

Whereas the dedication of this country to barbarism not only bars intercommunication between the people, commerce, agriculture, and industry of the great West and the citizens of Texas and the southern seaboard, but hermetically shuts out from the softening and enlightening influences of civilization one of the richest, most beautiful, and productive regions on the continent; and

Whereas the almost unanimous voice of the citizens affected by this stoppage of interstate commerce protests vigorously against its longer continuance: Now, therefore,

Be it resolved by the Board of Trade of the city of Kansas, Missouri. That the bill introduced into Congress by Hon. B. J. FRANKLIN, for the foregoing purposes is specially meritorious and praiseworthy, and that we do heartily indorse the said bill as being wisely in the public interest.

And, further, that we are earnestly of the opinion that such legislation as in said bill is proposed would inure to the benefit and advantage of the Indians, to the interest of the citizens of the United States at large, and especially to the inhabitants of the States of Missouri, Arkansas, Kansas, Colorado, and Texas, and to the development of the material wealth of this vast region of country.

Therefore, we do hereby earnestly commend to the attention of our Senators and Representatives in Congress this most important matter, as well as to the Senators and Representatives of neighboring States, and urge upon them the almost imperative necessity of prompt action by the passage of the bill introduced by Hon. B. J. FRANKLIN, or some similar measure whereby the general interest of the public may be advanced.

H. M. HOLDEN, President.
W. H. MILLER, Secretary.

Twenty-five years ago a great part of the site of Kansas City was a dense forest; now she numbers more than fifty thousand people, her commerce extends hundreds of miles to the west and southwest, and the great railroads reaching out to the great grain-fields and pastures of the Southwest adding to her wealth and prosperity are estopped by the wall of barbarism that has been placed around this country. We desire to remove it. It is to the interest of the whole country that it should be removed. No part of the country can be benefited unless the whole is benefited; that is a truth that cannot be denied. If you add to the prosperity of the West you add to the prosperity of the whole country. If you add to the prosperity of any part of the West, you add to the prosperity of the whole West.

I do not deny that great corporations will be benefited by the passage of this bill; and I defy any one to point to any great measure that has ever been made a law that did not result in some benefit to individuals or corporations. We expend vast sums of money to improve our rivers and harbors, and incidentally private individuals and corporations are benefited. It cannot be otherwise. What if they are? From the fact that they are benefited should all beneficial legislation be denied? It is an undeniable fact that if the country to which this bill relates were opened to settlement; if it were peopled as it would be peopled under just laws, the railroads that now transverse it would be greatly benefited by the increased emigration

and increased productions of the country. Is that any reason why proper action should not be taken? Has it come to this, that because individuals or corporations may be benefited by the enactment of laws Congress should refuse to enact them? I hope not.

The enemies of this bill have said that if this Territory is opened to settlement the railroads will rob the Indians of their lands. This is said in the very face of the twenty-third section which repeals all grants of lands that have heretofore been made to railroads. They never talk of this provision repealing railroad grants. They pass it over in silence. The Committee on Territories of the Senate having duly considered this question of the power of Congress to repeal these grants, in their report say it can be done and recommend that United States courts be established in the Territory; that all Indians inhabiting the country shall be made citizens, and that the lands shall be divided in severalty. The lands in this country should not be longer held in common. They should be divided. This action should have been taken long ago, and if it had been it would have resulted in great good to the Indians.

In this connection I will here insert a letter from President Monroe to the Seneca Indians, dated as far back as June 15, 1819. He says as follows:

MY RED CHILDREN: I am very glad to learn by your friends, Samuel Beadle, Thomas Wister, and John Cook, that you no longer live in the destitute and miserable state in which you once did. They say that most of you have become sober and industrious, that you have got good houses to live in, and that by cultivating the ground and raising cattle you have plenty to eat. This is to me very good news, as I shall always rejoice to hear of the happiness of my red children. You cannot become civilized until you have advanced one step further. You know that among my white children each one has his own land separate from all others, and you ought to do the same. You ought to divide your lands among families in lots sufficiently large to maintain a family according to its size. Your good friends, the Quakers, would no doubt enable you to make a just and equitable division. By thus dividing your land, each one could then say, "This is mine;" and he would have inducements to put up good houses on it and improve his land by cultivation. My red children, I have annexed the seal of the United States to this talk so you will know it comes from your father, the President.

JAMES MONROE.

Separate property is the foundation of civilization and progress. No people can flourish where the title to land is held in common. President Monroe was right in telling the Seneca Indians that one step further should be pursued; that they should hold their lands in severalty; but he should have gone further and said that the United States had the power, had the right, and intended to exercise it and divide the lands for them. If such a policy had been pursued fifty years ago the Indian problem would long since have been solved.

The Indian will never consent to any kind of government being established over him that will change his present status. He denounces any invasion of his barbaric customs and law, and denounces as an infringement upon his rights any attempt that looks to the adoption of a plan to make him conform to the laws of the white man. Yet, sir, if we look at the map of the future in the light that the past sheds upon it, the future of the Indian can be easily read. It is written in bold letters by the hand of destiny. The problem must soon be solved.

The same advancing tide of emigration that pressed his fathers across the great Father of Waters has reached the door of his wigwam on the plains of Western Kansas, Nebraska, Dakota, and Wyoming. The tread of its grand march is heard in the mountains of Idaho and Montana. In its onward and resistless march it has peopled the solitudes of the Rocky Mountains and built up great States upon the Pacific coast. There is no West in which we can place him. Emigration has turned from the Pacific to the East, meeting the great tide from the Atlantic seaboard in the Mississippi Valley, where it will found the great States and great communities of the future.

Less than a quarter of a century ago the western part of Kansas was considered a desert. She has now almost a million of people and has taken rank with the great agricultural States of the Union, and what was once considered the great American desert is now largely contributing to the agricultural wealth of the country, and the enterprise and progressive spirit of her people are the admiration of the entire country.

The report of the board of Indian commissioners for the year 1875 contains the following on a territorial government for the Indian Territory, page 5:

TERRITORIAL GOVERNMENT.

The Indians occupying the Indian Territory differ widely as to the expediency or desirability of a territorial government. The party among them opposed to such government say that they were invited to give up their lands elsewhere and remove to the present Indian Territory under a solemn promise that it should not be invaded by white settlers, and should be kept in perpetuity as the home of the Indian; that treaties were made with them which would be violated by the establishment of such a government, since, should such territorial government be instituted by Congress, it would, under the operation of the Constitution of the United States, flood the Territory with white settlers, and there would be no possible way of keeping them out. This party also avers that if, in connection with the present general Indian council at Okmulgee and the government of each tribe over its own members, United States courts were established within the Territory, this would constitute a sufficient and the only government to be desired. The other party favors a regular territorial government; a Delegate in the Congress of the United States; a survey of the lands, and the right to hold lands in severalty, the land to be inalienable for two generations; the breaking up of tribal relations, and eventually the granting of all the rights of citizenship.

In this radical conflict of views among the civilized Indians the path of duty may not seem entirely plain; but looking to the greatest good of the greatest number, this board would recommend the establishment of United States courts within said Territory, and the establishment of a territorial government not inconsistent

with existing treaties, and that the lands be surveyed and allotted in severalty, as provided for in the act approved March 3, 1875, provided, however, that Congress shall repeal all railroad grants of land within said Territory, and forever annul such rights.

As long ago as 1872 the national commercial convention, composed of men representing the great commercial interests of the United States, memorialized Congress to establish without delay a territorial form of government over the country known as the Indian Territory. The resolutions adopted by the convention and transmitted to Congress are as follows:

To the Senate and House of Representatives in Congress assembled:

I am directed by the national commercial convention, convened in the city of Saint Louis, December 12, 1872, to transmit to Congress for its consideration the following preamble and resolution in relation to the reorganization of the Indian Territory; which were, after mature deliberation, unanimously adopted:

Whereas it is the duty of the Government and people of the United States to inaugurate and execute such a policy toward the Indian tribes occupying the national Territories as will most rapidly bring them under the dominion and usages of our laws and civilization; and

Whereas experience has shown that the Indian tribes may be assimilated to the prevailing civilization of the country and gradually brought to a recognition of the highest social and civil relations of life; and

Whereas by the exclusive occupancy of the Indian Territory under tribal laws the hand of industry and the arts of civilized life have been excluded from a large area in the midst of the continent—an area rich in agricultural and mineral resources, with highly favorable climatic advantages, and whose exhaustless treasures need to be developed to supply the surrounding and the incoming white population now pressing into the Southwest, and thus contribute to the prosperity of the whole country; and

Whereas the most enlightened and cultured among the "tribes" have indicated their unequivocal desire for the presence of our civilization in their midst, as a powerful ally in their struggle for a higher social and civil life; and

Whereas the President, in his late annual message, did invoke such legislation by Congress as will contribute to these high purposes: Therefore

Resolved by the national commercial convention, assembled in Saint Louis, That Congress be, and is hereby, respectfully memorialized to establish without delay a territorial government over the country known as the Indian Territory, bringing the people thereof under the laws and jurisdiction of the United States on such equitable basis as will secure, first, a homestead to the head of each Indian family, the title to which cannot be alienated for a designated term of years; second, the sale of the remaining lands on such terms as will induce the rapid settlement and development of the Territory, the proceeds of said sales to be held or invested by the Government as a fund, the interest on which shall be distributed annually and equitably among the several tribes; third, the establishment of free schools, to the end that the Indian may learn the arts and occupations of civilized life.

BENJAMIN E. CRANE,

President National Commercial Convention.

SAINT LOUIS, December 12, 1872.

The great States of Missouri, Kansas, and Arkansas demand that a civil government should be organized in this Territory. Through their Legislatures they have time and again petitioned Congress to enact such legislation. One-fifteenth of the population of this country demands that this legislation be enacted. When in all our history was ever such an appeal made for the establishment of any territorial government?

Congress should not ask the consent of the people inhabiting this country whether they desire a territorial government or not. That is a question to be considered by the people's Representatives, for in no instance in the organization of any Territory heretofore has the consent of the people been asked. The question relating to the organization of Kansas and Nebraska into Territories was presented to Congress ten years before it became a law. Thousands of Indians inhabited those States, but we look in vain through all the discussions to find where their consent was invited. It was not necessary. The same grand interest that demanded civil governments in Kansas, Nebraska, and Colorado demands one for the Indian Territory.

The law of destiny cannot be evaded. History in this respect will repeat itself. If it is wrong to enact a civil government as proposed by this measure, then it was wrong to create territorial governments for the great States east of the Mississippi preparatory to their admission into the Union as States. The Indians at one time or another owned all the lands there; held them by what we termed sacred treaties. They were driven from them, and got only a trifle for their title; but they were not offered citizenship, they were not offered all the lands, they were not offered the great boon and privileges contained in this measure. We may be told they were paid for their lands, but what did it amount to? They entered into forced treaties and surrendered them, but they never would have left their homes had they not known that otherwise force would be used to compel them to go.

It is amusing to hear the arguments of some of the opponents of this bill. They tell us that if we open the Indian Territory to settlement, if a territorial government is organized there, that the Indian will be cheated of his property rights; yet in the next breath they will tell you that they have a written constitution; have a code of laws adequate to protect the rights of persons and property; that they are intelligent; that they have advanced in civilization and are able to take care of themselves. I think they are. I think also that they are sufficiently advanced to become incorporated as one of the Territories of the United States. The great body of the people inhabiting that country will be greatly benefited. They will become rich by the provisions of this bill, but the occupation of the Indian ring that has controlled affairs in that country will be gone, and that is why so much opposition is exhibited here.

I will read now the names of the tribes and reservations in the Indian Territory, the area of each reservation in square miles and acres,

and population of each tribe, as obtained from a schedule from the Interior Department July 1, 1877:

Reservation.	Tribes.	Popula- tion.	Area.	
			Square miles.	Acres.
Arapahoe and Cheyenne.	Apache, Southern Arapahoe, and Northern and Southern Cheyenne.	4,766	6,715	4,297,771
Cherokee	Cherokee	18,672	7,861	5,031,351
Chickasaw	Chickasaw	5,800	7,267	4,650,935
Choctaw	Choctaw (Chalita)	16,000	10,450	6,688,000
Creek	Creek	14,000	5,924	3,215,495
Kansas	Kansas or Kaw	443	156½	100,141
Kiowa and Comanche.	Apache, Comanche, (Komant- su) Delaware, and Kiowa.	2,985	4,369	2,968,893
Modoc	Modoc	117	6	4,040
Osage	Great and Little Osage	2,679	2,291	1,466,167
Ottawa	Ottawa of Blanchard's Fork and Roche de Beauf.	140	23½	14,860
Pawnee	Pawnee (Pani)	2,026	442	283,026
Peoria	Kaskaskia, Miami, Peoria, Pian- kasha, and Wea.	202	7¾	50,301
Pottawatomie	Absentee Shawnee, (Shawano,) and Pottawatomie.	778	900	575,877
Quapaw	Quapaw	235	88½	56,685
Sac and Fox	Mexican Kickapoo, Sac (Sauk) and Fox of the Mississippi, including Mokohoko's band.	929	750	479,667
Seminole	Seminole	2,553	312½	200,000
Seneca	Seneca	240	81	51,938
Shawnee	Eastern Shawnee (Shawano)	97	21	13,048
Wichita	Comanche, (Komantsu,) Dela- ware, Ionia, Kaddo, Kichai, and Tawakanay, Wako, and Wichita.	1,220	1,162	743,610
Wyandotte	Wyandotte	258	33½	21,406
			3,562	2,279,618
			165	105,456
			6,184	3,958,117
			1,067	683,139
			2,571½	1,645,890
			2,362	1,511,576
	Total	74,140	64,214	41,097,027

It will thus be seen there are 74,140 Indians in this country. But it must be borne in mind that many of these are Indians merely in law and not in fact, and many of the vociferous opponents of any change being made in this proposed Territory come from those who have but very little Indian blood in them. A white man marries an Indian and in law he is an Indian. He immediately commences to talk about Indian rights, and says, "We do not want any interference on the part of the United States." He declaims loudly concerning the treaties and tells you that the white man is desirous of robbing the Indian of his land. You may enter the Territory from its northern limit and traverse it to the State of Texas, and you will not find perhaps a single individual that is not clothed in the garb of the white man; but you will find many who will tell you no change should be made, that the rights of the Indians will be trampled upon when they themselves have not had citizenship more than two or three years. It is singular how much of an Indian they become in a very short time.

According to the above schedule, the Cherokees number 18,672, and their reservation, according to the above table, contains 5,031,351 acres. The Creeks number 14,000, and their reservation contains 3,215,495; Choctaws, 16,000, with a reservation containing 6,688,000 acres; Chickasaws, 5,800, and their reservation contains 4,650,935 acres; Seminoles number 2,553 with a reservation of 200,000 acres. The number of white employés in the service of the above-enumerated tribes is over three thousand, and these are the men who are actually the tillers of the soil in this country. The Indian will not cultivate the soil and produce its agricultural wealth. In addition to the three thousand white employés there are about nine thousand other white persons legal residents in this country held by these civilized tribes. Besides this number, there are about three thousand white men residing there without any lawful authority.

The Indians inhabiting this country have made some progress perhaps since their removal west of the Mississippi, but owing to the peculiar relation they occupy in respect to the General Government and to the almost utter absence of well-defined law necessary to the well-being of so large a population, they have not advanced so far nor obtained such excellence in the arts of peace as they would if our Government in the just exercise of its fostering care had placed them under the protection of its laws.

Upon examination we find that this vast domain, larger in area than the great empire State of Missouri—this Indian country, with a genial and desirable climate, possessed of a soil sufficiently fertile to make it the garden of the continent, underlaid with mineral wealth of untold value, has only a fraction over two hundred thousand acres under cultivation. Agriculture, the basis of national wealth, is neglected, for it only flourishes under the benign influence of well-regulated law. No country, I care not how inexhaustible its resources may be,

can flourish in the absence of just laws. Its soil may be more fertile than the famed valley of the Nile; beneath its surface mines of wealth may be imbedded richer far than those of famed India, yet, in the absence of law that renders the rights of persons and the rights of property secure, it is as a barren waste.

The condition of affairs in this Territory is without a parallel. As I have before stated, Congress several years ago determined by solemn enactment that no more treaties should be made with the Indians, and that is the ground we should stand upon in the future. Deal with them as we please, but always deal justly. Have we ever observed these treaties when the observance would be to our manifest injury? Have the Indians observed them? I care not what the treaties may recite concerning the establishment of a territorial government in this country. They may say that these Indians shall not be included in any Territory or State, but the clause is of no effect and of no binding force because it was not competent for the treaty-making power to enact or make any such declaration.

The Commissioner of Indian Affairs, in his report for 1876, in reference to this Territory says as follows:

The anomalous form of government, if government it can be called, at present existing in the Indian Territory must soon be changed. In some shape or other these Indians must be brought under law and the jurisdiction of the courts. The idea that that Territory is to consist forever of a collection of little independent or semi-independent nationalities is preposterous. If thirty or fifty thousand white men remove and settle in any part of the West, the United States extends over them its laws and establishes a territorial government, preparatory to its admission into the Union as a State; and it can be neither a hardship nor an injustice to the tribes in the Indian Territory if, recognizing their right to ample compensation for the surrender of lands which they do not need, we place them on a par with white men before the law.

Any such change would undoubtedly be resisted by many among the Indians themselves. In the so-called "nations" are a number of educated, intelligent, ambitious men, who under the present system are leaders of their people, controlling their affairs and the expenditure of their revenues. They very naturally deprecate any change which will endanger such power. They argue with great earnestness that the adoption of a territorial form of government would be followed by an influx of white men into the Territory, and that the ultimate result to the Indians would be dispossession of homes and pauperism. Such a possibility could, however, be averted by an allotment of land to each Indian, made inalienable to white men, and by providing that no white man should become a citizen of the Territory, or own or lease any real estate therein.

It is supreme folly to suppose that the present policy, as far as this Territory is concerned, can be continued much longer. A change is bound to come, and the well-being not only of the Indians there but the States adjacent thereto demands that it should be made without delay. It is alleged by some that the opening of this country to settlement will be detrimental to the interests of the adjoining States; yet if we look at the history of the growth of these States in the past a different conclusion is forced upon our minds. Kansas and Nebraska Territories were created in 1854. Missouri bordered upon them for hundreds of miles. They contained fertile lands and were possessed of many attractions, and grew in population and wealth with great rapidity; yet upon examination of the census we find that Missouri, from 1855 to 1865, increased in population in a greater degree than she had ever increased in any decade of her existence. The same is true of Iowa. Instead of having the effect of taking any of the population from the adjoining States, it had the effect to increase their population.

I regret that a majority of the Committee on Territories do not agree with me on this and kindred questions relating to our Territories, for I believe their proper solution would prove beneficial to the West. I think that at least two of the Territories have sufficient population and are sufficiently advanced in every respect to entitle them to admission into the Union as States. Public interests also, in my opinion, demand that a new Territory should be established in the Black Hills country. New States and new Territories should be created west of the Mississippi. Action in this behalf cannot be much longer deferred. It will come in the near future, for the great mineral wealth, the genial climate, and fertile soil of this grand country lying between the Mississippi and the Rocky Mountains will soon cause it to be peopled by millions. Read its history for the last quarter of a century, and you can easily divine its future. An increased representation will soon stand upon this floor to demand that its great interests be properly recognized. Then the proper consideration will be given all measures affecting its prosperity, and legislation will be enacted that will secure to it permanent political and commercial power.

Supervisors of Elections.

SPEECH OF HON. N. MULLER,

OF NEW YORK.

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 25, 1879.

On the Southard amendment to the legislative bill to repeal the law for supervisors and deputy marshals of elections.

Mr. MULLER. Mr. Chairman, I make no apology for trespassing for the few moments allotted to me upon the time and attention of

the committee upon the subject-matter of the pending amendment. Representing as I do a constituency made up to a great extent of adopted and naturalized citizens, a class of voters very nearly and very deeply affected by the operation of the law as it now stands, and more nearly and still more deeply affected by the methods under which that law is carried out, I should be derelict in my duty to them and to myself, as their Representative, did I not put on record my earnest protest against the established condition of things in this respect, and an advocacy as earnest as I can make it in favor of the amendment just submitted.

No one, sir, unless he be a resident of a district where the present law is enforced as it has been enforced by what is called the "chief supervisor of elections" in New York City, can form even the most remote idea of the wrong, the oppression, the tyranny exercised by one man over the right held dearest by every citizen, native or adopted—the right of suffrage.

Starting out with a complaint which is the merest matter of form, that any citizen of foreign birth has unlawfully used a certificate of naturalization, knowing that such certificate had been unlawfully issued—and every member upon this floor knows that this form is only a legal conclusion, and not the statement of a fact—this "chief supervisor of elections" can, merely by changing the title of his office, and signing himself as United States commissioner, issue his warrant for the arrest of any citizen of foreign birth.

This warrant can, as it was in the recent election in New York City, be held in abeyance until sunrise on election day. Meanwhile the report can be carefully circulated that hundreds of these warrants have been thus issued, and are in the hands of United States officials for immediate use, provided any of these foreign-born citizens dare to exercise the right of freemen and deposit their votes in the ballot-box.

Gentlemen of the opposition may say that those who are certain of the correctness of their papers of naturalization need not be intimidated by this proceeding, the correctness of which none, I think, will dare to dispute. Under some circumstances I admit the correctness of this argument, if such argument be made.

But the difficulty is, sir, that many of these our adopted citizens have a quite common and quite proper dread of anything in the shape of legal entanglement, more especially when it may affect their personal liberty. Innocent of any fraud or attempt at wrong, they may think that instant arrest may follow even if their papers are correct. They have a natural fear of being put in jeopardy, and the result is just what I verily believe the framers of the law intended, that hundreds and thousands of naturalized voters, having legal and perfectly valid papers of naturalization, refrain wholly and absolutely from voting. This, sir, is intimidation of the worst and most outrageous character.

In all criminal laws, in all enactments for the suppression of crime, while the rights of the people are protected the rights of the subject, the individual citizen, are carefully guarded and protected.

The converse of this proposition is true in this very important matter, and it is for this reason, sir, that I oppose the existing law, and earnestly pray for the adoption of the proposed amendment.

Supervisors of Elections.

SPEECH OF HON. W. L. STEELE,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 25, 1879,

On the Southard amendment to the legislative, executive, and judicial appropriation bill to repeal the law for supervisors and deputy marshals of elections.

Mr. STEELE. Mr. Chairman, when the pending subject was last under consideration in this House, the gentleman who represents the eighth district of Ohio, [Mr. KEIFER,] and who, it is to be presumed, spoke with deliberation and said nothing which he was not prepared to fortify with respectable authority, saw proper to allege that "fraud, violence, intimidation, and murder are known to exist all over the South at each recurring election." I fear, very much, that the party zeal and sectional animosity of the gentleman have so choked up the avenues of his mind and blinded his sense of justice as to make him incapable of seeing things as they really are. It occurs to me that a little calm reflection on his part would have caused him to know that such sweeping assertions, such comprehensive allegations, could hardly be sustained by trustworthy testimony, and hence could add nothing of value either to a personal or a political reputation.

What evidence has the gentleman to support his assertions? I undertake to say that he mistakes the suggestions of an unbridled imagination and the statements of corrupt and malicious slanderers for such testimony as should be addressed to the understandings of men with the view of controlling their judgments instead of to the passions for the purpose of inflaming them into improper hostility toward the weaker section of the country. Speaking for one congressional district, which is a part of the South, and believing that

I am fully warranted in speaking for the whole State of North Carolina, I aver that there have never been such acts as the gentleman charges to be common all over the South. No election was ever held in the gentleman's own district where the rules of propriety and the requirements of law have been more faithfully observed, or where there has been a more honest desire that the public will shall have a fair expression than have marked the wishes and conduct, at least of the democratic party, in every election in North Carolina. So far, therefore, as we are concerned, the charge is utterly untrue. We desire nothing but a just and peaceable election, where there is neither fraud nor force, either moral or physical.

But let me tell the gentleman (and I think I may safely claim to know much more of the subject than he does) that all the instances of which I have ever heard of either "fraud, violence, or intimidation," which have been practiced at elections in any State, were practiced by the political organization of which he is a conspicuous and leading member. At every election in which much interest was felt since the passage of the acts of Congress which deliberately violated the Constitution and ruthlessly invaded the universally acknowledged right of the States to determine the qualifications of electors, persons calling themselves republicans have resorted to fraud and intimidation to operate upon the minds of the ignorant negroes and make them carry out the main purpose for which these acts were passed—ministration to the supremacy of the gentleman's party. He will permit me to say, that with his political views and associations, it is not quite becoming in him to speak so zealously of the purity of the ballot-box, when, as I suspect, he is the apologist and defender of the most stupendous fraud upon its rights which the history of civilization and constitutional government records.

The South simply asks to be let alone and be made no longer a football for the amusement of political gladiators, who hope in our sorrows to riot in all the glories of a party triumph. We are not only able but willing, if allowed freedom of action as the people of other sections are, to protect all the existing rights of all our citizens, however wrongfully those rights were secured. We believe—and, men of the North of our own blood, will ye gainsay it?—that our race is the superior race, and that it will and should govern, but govern with wisdom and moderation and justice. We will earnestly protest against depriving the negro of the ballot which party necessity, I will not say malice, placed in his hands; and we shall oppose his forcible removal from his native land and the destruction of all the tender recollections of his life, associated with and hallowed by the spot where he was born and where he hopes his bones will be buried.

But the gentleman seems to be alarmed lest another war shall be inaugurated. Surely he is only indulging in fancy. I am astonished that any one not bereft of reason should believe as he seems to believe. Well known as the gentleman is for his great talents and "for gallant and distinguished services during the campaign ending in the surrender of the insurgent army under General R. E. Lee," it is a matter of wonder that he should have allowed his imagination to mislead him or his desire for party success to carry him so far away from what is right as to do injustice to his own race who inhabit the sunny land of the South. Our people, it is true, are not entirely free from those faults which are common among men; but they can never be truthfully charged with the commission of certain offenses which have stained the character of some of the public men who have occupied prominent positions in the politics of other parts of the country. Our representative men, in all the history of the past, have observed the commandment, "Thou shalt not steal," whatever may have been their other errors, and we think common justice demands that we may expect all to be equally observant of that other law which requires that "Thou shalt not bear false witness against thy neighbor."

Texas Pacific Railroad.

SPEECH OF HON. J. W. THROCKMORTON,

OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, March 1, 1879,

On the bill (H. R. No. 4158) to alter and amend the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes."

Mr. THROCKMORTON. Mr. Speaker, I propose to say something in support of the bill reported by my colleague of the Committee on Pacific Railroads, [Mr. HOUSE,] authorizing a Government guarantee of the interest on the bonds of the Texas and Pacific Railway Company. My purpose is to be practical, and I hope to be brief. The point to which I shall address my remarks is the character of the aid asked and the ample security which is offered to protect it. But before I reach that subject I wish to reply to some of the arguments which have been made by the opposition. And here I cannot but ask southern men to consider what that "opposition" is. A representative of the South, or perhaps I should correct myself and say a representative of West Virginia, has seen fit to denounce this

bill as "this extraordinary, unblushing, and impudent appeal to Congress to lend the credit of the United States to do that which is everywhere being done without such aid;" and he has ventured to say that "State granges, State Legislatures, New Orleans conventions, and the Congress of the United States are besieged with lobbyists, the paid hirelings of this company, to educate a public sentiment and procure votes in favor of this enormous proposition."

Now, sir, this "extraordinary, unblushing, and impudent appeal" has received the support of the most eminent men, the most representative Legislatures, and the industrial and commercial associations of the whole South. His own Legislature, by a two-third vote, in the last few weeks instructed their Senators and Representatives to support it, and if they have reconsidered their action I challenge him to deny that upon that vote the strongest personal and political influence was brought to bear upon the Legislature to lead them to reconsider their action, while "the paid hirelings," not of this company, but of another, supported their prayer. What the real influence was which changed the vote "of the freemen of our mountains" I shall not ask, and, fortunately, it is not my duty to answer.

Sir, I assert without possibility of contradiction that from the inception of this enterprise there has been but one opinion at the South until the Central Pacific Company of California, representing the power and profit of the great northern connection, taking alarm at the possibility of its completion, sent their paid advocates throughout the South to foster opposition, and to-day, outside of the influence and exertions of that great monopoly, there is not an appreciable difference in southern opinion as to the necessity and justice of this bill. I mean to say explicitly that, outside of the means and will of this great monopoly, which will not tolerate the existence of the Texas and Pacific as an independent and competing road, there is no southern opposition whatever to this bill; and injustice to northern men. I will go further and say that but for the division at the South fostered by this interested and special opposition, the North would cheerfully give us what we ask.

And when, in addition to this utter misrepresentation of southern opinion, I am told that the Southern Pacific Company is hurrying to build a southern road which shall be its own successful competitor, "without money and without price," I can only ask southern men who are the conscientious representatives of their people to note two facts which no "paid hireling" can conceal:

First, let them look at the report of the Government Auditor of Railroad Accounts, and see what the enormous net profits of this northern monopoly have already been, and how easy it has been out of these profits to build the Southern Pacific for the express purpose of defeating a southern competition, and then decide how far this road has been a free boon to the people of the country.

Next, let them look at the maps, and see how certain it is that the Southern Pacific, having built from Fort Yuma to Maricopa Wells, can then connect with the Atchison, Topeka and Santa Fé Railroad, making a complete connection from San Francisco through the rich mineral deposits of Arizona, and the Indian reservations which the Government must supply. Then let them turn to the record of the indebtedness of the Central Pacific to the Government, to the postponement of its payment for thirty years of its accumulated interest. And let me ask what more feasible project there can be than for that company, when its new connection is completed, to say to the Government, "The burden of debt on the Central Pacific is too great for us to carry, take it and release us; we do not want it. The connection we have secured is sufficient, and you can either hold the Central Pacific or sell it to the highest bidder."

Sir, the defeat of this bill means nothing more nor less than the surrender of the Pacific connection to the grasp of that monopoly which under the guise of loyal patriotism during the war drove the hardest of bargains with the Government, and which has resolved that peace shall not disturb its power or diminish its profits, and which means to impose upon the restored South something more absolute than military despotism and more ruthless than political proscription. If there are southern men who wish to join in the work may they not be disappointed in their reward!

But, sir, I am further told by the member from New Hampshire that—

It is impossible to draw a parallel between the circumstances which rendered it proper to construct the Union and Central Pacific and this application; and the claim that something must be given to the South in the way of industrial improvements to balance the favor shown to northern interests is simply preposterous.

I deny that the South has made any application upon any such grounds. We claim that the transcontinental commerce of this country is a matter of national concern, and that a participation in its benefits is the right of every section of the Republic.

Suppose, sir, that as a "war measure" the United States had seen fit to enact that no importations should be made except in the northern ports of Boston, New York, and Philadelphia, and had for temporary reasons thus given the merchants of those cities the right to levy a tax upon the whole commerce of the country, does the gentleman mean that such a monopoly could have been maintained after the peace? And what is the difference in principle? If to meet these existing exigencies the Government created one single means of transcontinental traffic, for the support of which the whole country is taxed, but which confines its Atlantic termini to a few northern cities, is that monopoly to be preserved when the necessity for it has

ceased? And if the advantage given by its creation cannot and ought not to be taken away, can there be any reason why such advantage should not be equalized by the extension of this connection to the South? Is the Texas and Pacific anything more than the completion of a national transcontinental line by making two connections, one northern, the other southern, instead of one, which should be equidistant between both sections? Can any reason now be given, either of general benefit to the country or special service to the Government, which will not apply to one as well as to the other? "A war measure!" I admit that the war enforced the necessity of such a connection, but what service during the war did this great monopoly render? It was chartered in 1862; it was completed in 1869; and do not these dates, without further argument, show that the enormous profits of this monopoly have been made since the war and when the Government was perfectly free to consult the interests of the whole people?

But I am told, in the face of the Government aid to the Union and Central Pacific and their branches, "that the nation should never be taxed or be made liable to taxation to promote any private enterprise, however beneficial to the country at large." Who asks that the nation be taxed or be made liable to taxation for the benefit of this enterprise? To hear the discussion of this bill one would suppose that we were asking the Government to furnish the money to build the Texas and Pacific Railroad and taxing the people of this country for the benefit of private stockholders. Let me state briefly and plainly what the bill is. It has been ascertained by survey that from Fort Worth westward to San Diego is fourteen hundred miles, two hundred and fifty of which is mountainous and difficult, the balance being partly rough and broken, but in large proportion plain country offering the opportunity of comparatively cheap construction.

The bill provides for the issue of bonds, not of the Government but of the company, to the amount of \$31,750,000, being at the rate of \$35,000 per mile for the two hundred and fifty miles of mountainous country and of \$20,000 per mile for eleven hundred and fifty miles, being the comparatively easy remainder of the whole distance of fourteen hundred miles. These are bonds of the company, and only the interest upon them at 5 per cent. per annum is asked to be guaranteed by the Government. The Government is not in any way responsible for a dollar of the principal. They are issued solely for the purpose of construction and equipment in first-class style and perfect running order. This is the maximum of issue, and in no contingency can this issue be exceeded, and should the actual cost of construction and equipment, as ascertained by commissioners appointed by the Government, be less than the maximum thus provided by the bill, then to just this extent will this issue of bonds be diminished.

These construction bonds, known in the bill as Class A, shall be made by the company and placed in the United States Treasury. They shall be sold in lots of from two to ten million dollars, the proceeds placed in the United States Treasury, and either invested in Government securities or used by the Government at an interest of 4 per cent. per annum; and no money is to be paid to the company out of the Treasury until ten miles of the road have been completed, inspected, and reported on, and then only to the amount of the actual construction expenditure. These bonds being secured by the mortgage of the road and its property, this limitation secures an actual, completed, and equipped section for every issue of bonds.

In addition to this the company is to issue seven millions of bonds, known as Class B, upon which, as before, the Government shall guarantee the payment of interest (and of interest alone) at 5 per cent. per annum. These bonds, secured by mortgage as the others, are to be placed in the Treasury and retained by the Government, to meet by their sale any default, should such occur, by the company in the payment of the interest due on the construction bonds.

Is this security sufficient? No one doubts that the whole road when completed and in running order is sufficient security for its debt. The question is, is there here sufficient security for the payment of the interest, so that the Government will not itself be called on to redeem its guarantee? If the interest can be paid during the construction, there can be no question of Government liability. My purpose, therefore, at present will be to show that this seven millions of reserved bonds, being \$5,000 per mile, will be sufficient to meet all accruing interest during construction.

FIRST YEAR.

For the sake of convenience in calculation I will assume that one hundred and fifty miles of road will be completed the first year and an average of two hundred and fifty every year thereafter, making six years in which to complete the entire main line of fourteen hundred miles.

The maximum cost under the bill being \$20,000 per mile, this makes the cost of construction of the one hundred and fifty miles \$3,000,000. I assume that bonds to this amount would be sold in advance, so that their proceeds would be deposited in the United States Treasury and invested in United States securities at the time the work began. I also assume that these gold bonds, with the Government's guarantee of interest, will sell at par.

Upon the sale of this \$3,000,000 of construction bonds, interest will begin to run, and at the end of the year there will be due \$150,000 of interest. Supposing the earnings of this length of road not to be sufficient to meet the interest, there will be required a sale of \$150,000 of the bonds (B) reserved to meet this default.

At the end of the first year, then, the construction bonds, \$31,750,000, will have been reduced by \$3,000,000; leaving \$28,750,000. The reserved bonds, \$7,000,000, will have been reduced \$150,000; leaving \$6,850,000.

SECOND YEAR.

In the second year the completion of two hundred and fifty miles, the assumed average, will have required at the maximum of construction, \$5,000,000; and adding to this the second year's interest on the \$3,000,000, there will be due a year's interest on \$8,000,000, with the interest on the \$150,000 of reserved bonds sold; making a total of interest due, \$407,500. Assuming that the company is again unable to meet the interest, that amount of reserved bonds will be needed. At the end of the second year, then, the construction bonds, \$28,750,000, will have been used to the extent of \$5,000,000; leaving \$23,750,000. The reserved bonds, \$6,850,000, will have been reduced \$407,500; leaving \$6,442,500.

THIRD YEAR.

In the third year two hundred and fifty more miles are to be finished, taking another \$5,000,000 of construction bonds. There will then be due interest on \$13,000,000 of construction bonds and upon \$557,500 of reserved bonds, being \$650,000 on the construction bonds and \$20,395 on the reserved bonds; in all, \$677,875, which, on the continued supposition of the company's default, will require another sale of reserved bonds. At the end of the third year, then, the construction bonds, \$23,750,000, will have been used to the extent of \$5,000,000; leaving in the Treasury \$18,750,000. The reserved bonds, \$6,442,500, will have been reduced \$677,875, leaving of reserved bonds \$5,764,625.

Pursuing the same method of calculation for the fourth, fifth, and sixth years we reach the results, as follows:

FOURTH YEAR.

Construction bonds, \$18,750,000; used, \$5,000,000; leaving \$13,750,000. Reserved bonds, \$5,764,625; reduced by \$961,768; leaving \$4,802,857.

FIFTH YEAR.

Construction bonds, \$13,750,000; used, \$5,000,000; leaving \$8,750,000. Reserved bonds, \$4,802,857; reduced by \$1,259,857; leaving \$3,543,000.

SIXTH AND LAST YEAR.

The last two hundred and fifty miles of road through the mountainous country, estimated at the maximum of \$35,000 per mile, will consume the remainder of the construction bonds and leave of reserved bonds in the Treasury \$1,782,650, as shown in the following:

Construction bonds, \$8,750,000; used, (250 miles at \$35,000 per mile,) \$8,750,000; thus consuming all the construction bonds. Reserved bonds, \$3,543,000; reduced by \$1,760,350; leaving of reserved bonds in the Treasury at completion of construction, \$1,782,650.

Thus every dollar of interest will be met during the period of construction without the payment of a dollar by the Government and without the addition of one cent taxation upon the people, and still leaving in the Federal Treasury to the credit of the company \$1,782,650 of the reserve bonds untouched, which may be applied to future interest or toward the creation of the sinking fund provided for in the bill. It will be seen that no new burden will be imposed upon the Treasury, but instead there will be added to the taxable values of the States and Territories through which the road will be constructed many millions of dollars; creating a property which no man in his senses can deny will be ample and superabundant security for every dollar of interest the Government is called upon to guarantee.

And this it must be remembered is the most unfavorable light in which the proposition can be viewed; for this presentation of the subject has been upon the hypothesis that the cost of construction will be at its maximum, that the money deposited in the Treasury upon the sale of bonds will remain unproductive, that the road will have no net earnings until after completion, and that the Government will owe the company nothing for the transportation of troops, Army and Indian supplies, postal and telegraphic service.

Let me now examine some of these sources of revenue to the company and see if this question of possible liability of the Government is not put beyond dispute.

Section 4 of the bill provides that the bonds of the company, the interest of which is guaranteed by the Government, may be sold from time to time as needed in lots of from two to ten million dollars, the proceeds to be deposited in the Federal Treasury, invested in United States securities, or the cash used by the Government, at 4 per cent. interest, until drawn by the company. This is a wise and salutary provision, endangering no interest of the Government or the company, but providing against so much capital lying idle.

Now, suppose \$3,000,000 of these bonds are sold and the proceeds deposited in the Treasury, and on the same day the work begins are invested in 5 per cent. United States bonds or that the Government uses the cash at the stipulated 4 per cent. interest. Ten miles of the road must be completed and equipped in first-rate running order, to be examined and reported on by United States commissioners, before a dollar can be drawn from the fund in the Treasury; so that for a while at least the whole \$3,000,000 will be drawing not less than 4 per cent. interest.

Now, presuming that it would be a convenient and proper arrangement that the moneys needed should be drawn quarterly on work completed and reported, let us suppose that on the one hundred and fifty miles to be completed in the first year no application for funds is made on the Treasury until the fourth part of the work is done;

\$3,000,000 will then have been drawing interest for three months at 4 per cent., which will be \$30,000. We then have \$2,250,000 drawing interest for another quarter, which will be \$22,500. Then we have \$1,500,000 drawing the same interest for another quarter, which will be \$15,000; and the balance of \$750,000 drawing interest for the last quarter of the year, which will be \$7,500; thus making a total of interest on the first \$3,000,000, before it is used to pay for completed work, of \$75,000.

On the construction of two hundred and fifty miles the second year, the same calculation will produce interest amounting to \$125,000. For the same expenditure for two hundred and fifty miles for the next three years there will be the annual interest of \$125,000, making for the five years \$575,000. In the last year, our former calculation, supposing the expenditure of \$8,750,000, the interest, under the same circumstances, would be \$229,687, making a total of interest derived from the investment of the construction bonds of \$804,687.

If this be applied to the payment of interest during construction it would relieve the reserved bonds to that extent, and would add this sum to the reserved bonds before shown to be untouched, making \$2,587,337, the amount of reserved bonds left in the Treasury to the credit of the company upon completion of the road, and as yet not one cent has been credited to the company for postal and telegraphic service, transportation of troops, munitions of war, and supplies for the Army and Indians. We are not without data to show that even in the second year of construction these would amount to a very considerable sum, and increase in proportion as the road progressed.

On the line of the road, and to be supplied by it when constructed, nearly one-third of the Army of the United States is stationed, and there are, besides, several Indian reservations. Judging by contrast with what the earnings from the Government have been from the Union Pacific, the Kansas Pacific and the California Central Pacific, it will be evident that the earnings of the Texas and Pacific line from the same source would be very large. I see it stated in a table carefully prepared that for freights, troops and mails carried by the Union Pacific Railroad for the Government from July 1, 1866, to June 30, 1878, the earnings amounted to \$9,894,841.90; that for the same period Government freights, troops, and mails on the Kansas Pacific amounted to \$2,371,624.31; that the earnings on the Central Pacific from the year 1867 to June 30, 1878, for the Post-Office and War Departments alone amounted to \$3,540,964.78, making a total of \$16,817,430.99. So that it is quite evident that even during the work of construction there would be large earnings by the road on account of this Government business, which under the provisions of the bill would not be paid to the company at all, but would be retained in the Treasury to meet the interest and sinking fund if there should be any default on the part of the company.

Mr. Speaker, having shown that the company will be able to pay the interest during the period of construction, I propose to refer to some facts that will show that after completion there can be no doubt as to the capability of the company paying the interest on their debt. In the first place, the road westward from Fort Worth for more than two hundred miles passes through an agricultural country equal in its capabilities of production to any portion of the Southern or Western States; indeed, I might claim that for variety of production and amount there are few sections of the Federal Union equal to it; and to the same extent the country along the line of the road and for a long distance north of it and south of it that would be dependent upon it is susceptible of sustaining as dense a population as any country with which I am acquainted. There are more than forty counties lying along the line of the road and north and south of it that would be dependent upon it for the transportation of their products and supplies. These forty counties average more than nine hundred square miles each in extent; but putting the average at nine hundred square miles, we have twenty-three million acres of land. Any person acquainted with the section of country to which I allude and its agricultural resources will concede the fact that one-half of these twenty-three million acres is of the richest quality of land. Indeed, one-half is below the truth, but for the sake of the argument that I propose to present I put it at one-half. Now, sir, if the half of these twenty-three million acres was cultivated in cotton and yielded only one-half a bale to the acre, which is below the standard average yield, it would produce over five million bales of cotton—more than the entire cotton crop of this country. If the same land were cultivated in wheat, with a yield of fifteen bushels to the acre, it would produce a crop of one hundred and seventy-two million five hundred thousand bushels. Besides the productive capacity of this region in the way of cotton and grain, its resources for pasturage and the raising of cattle, sheep, and horses are unlimited.

In this place it will be well to say that the main line of the Texas and Pacific Railroad to-day has connection with the great pine forests of Eastern Texas, a timber region in itself larger than some of the largest States of the Union, and where the long-leaved pine and cypress and other valuable woods grow to greatest perfection. The lumber from these forests will be carried to the almost boundless western plains of Texas upon this line of road, even to El Paso. Since we have had in Texas railroad connection with the North lumber has been shipped from Wisconsin and Chicago to Texas. If profitable to the lumber men of the North to ship lumber so far, before we had railroad connection with the eastern part of Texas, certainly the transportation of our own lumber on a direct line only eight hundred

miles in extent would supply the wants of all that portion of Western Texas and New Mexico contiguous to this line of road.

Besides these sources of traffic for transportation, when the line in its progress westward would get beyond the agricultural portions of Texas it would traverse the plains now unproductive and useless, but which would then be covered with countless herds of cattle raised upon the rich grasses of that region, where millions of buffalo now winter every year; and when the road should reach the valley of the Pecos, which valley for hundreds of miles is of the richest character of soil and susceptible of irrigation by the waters from the river, it would be the means of adding a vast population of industrious people to that now uninhabited region. And from thence to El Paso and through Arizona the line would pass through a region of country known to be exceedingly rich in the precious metals. It is a fact, too, that along the surveyed line of this road salt streams and salt lakes abound and the production of salt by natural means is so great as to furnish a supply not only for Texas, but for other portions of the country.

In addition to this, there are also on the line of the road in Eastern Texas the richest iron ores, and in greatest abundance, while west of Fort Worth, when the road reaches the Brazos River, it will pass through very extensive coal-fields, the quality of the coal having been already tested and found to be of a very superior character. I make no doubt that when these coal-fields are penetrated by the Texas and Pacific Railroad the supply of coal for New Orleans and Galveston and for the shipping of these ports will in great measure come from that region. So that from these various sources of traffic—the transportation of the products of the country, the transportation of lumber from the East to the West; the transportation of salt and of coal from the West to the East and the South; the never-ending stream of cattle that would pass over its line; the transportation of the rich minerals of Western Texas, New Mexico, and Arizona; the rapidly increasing population extending westward along this line of road; the constant demand that would be made upon it for transportation of Army supplies, munitions of war, and the mails—we may be assured beyond the possibility of a doubt that the constructed line would be a most valuable property that would pay a large interest upon the investment of the capital employed in its construction. In addition to the sources of traffic named, lying immediately on the line of the road, it would skirt the northern and eastern boundary of Mexico, for more than a thousand miles, and would doubtless be the means of introducing among the people of that republic many of the products of the industries of our people, and in return would bring back the productions of that people and give to us a large portion of the commerce of Mexico to which we are to-day almost total strangers.

Such being the line of the road and the regions of country that would be dependent upon it for transportation, can any one doubt that the net earnings upon the same would be largely in excess of the sum sufficient to create a sinking fund and to meet the interest as it would accrue?

In further support of this proposition I beg to state from the official report of the company that its earnings for the year ending May 31, 1876, were \$1,564,624.98; for the year ending May 31, 1877, \$2,043,453.30, and for the year ending May 31, 1878, \$2,331,310.35. It will be observed that there has been a steady increase of earnings year by year, and if the showing of the last nine months shall prove to be not quite so favorable in its increase, the diminution, if any there be, will be due solely to the scourge of the yellow fever, which, by its quarantines, kept out both travel and commerce for several months and necessarily checked the natural growth of all transportation interests.

The Union Pacific Railroad from Omaha to Ogden, and the Central Pacific Railroad from Ogden to San Francisco, traverse a country many hundred miles of which are totally unproductive. The cost of their construction, the high elevations which they had to make, and the snows of winter with which they had to contend, none of which difficulties are encountered on the Texas and Pacific line, indicate the enormous expenditure required to construct and maintain these roads in running order; and yet the net earnings upon these two lines during the year 1876 amounted to \$7,388 per mile, being about four times the amount of net earnings that would be required on the Texas and Pacific Railway to meet its interest and sinking fund on the supposition that every dollar of the \$38,750,000 of bonds provided for by the bill we are discussing were consumed in the construction of the work.

Mr. Speaker, I believe the foregoing statement of facts is sufficient to satisfy the most incredulous that if this measure should become a law the Government of the United States, under the restrictions and safeguards thrown around it by the provisions of this bill, would never be called upon to meet one cent of the interest. But, sir, I go further, and contend that it would be a wise measure of governmental economy for the Government to construct this work, if it could not be done in the manner suggested by the bill. As a means of frontier protection; as a measure of economy in the transportation of United States troops and supplies; and as a means of opening up new commercial relations with Mexico, the results that would follow its construction seem to me a sufficient inducement for the Government to enter upon this great work. But its chief recommendation to the approbation of the people of the entire country is that feature which

makes it an open highway for the nation and for all the highways that connect with it now or that may connect with it in the future, leaving the commerce and traffic of the main line and of connecting lines upon an equal footing and under the control and direction of Congress. No other measure has ever been presented to the Legislatures of the States, or to the National Legislature, which has so thoroughly and completely embodied this idea, and in my judgment it is a very great advance in the direction of securing the people against the extortions and oppressions of the overgrown monopolies that have taken root and flourished under the auspices of Congress.

There is another reason having great force why there should be no delay on the part of Congress in fostering and encouraging this project. It is an established fact in the history of the country that while the Central Pacific Railroad fails to meet its obligations to the Government, and has imposed the most onerous exactions upon all trans-continental commerce, it is to-day, out of the means which it is unjustly withholding from the Government, building a line of road, known as the Southern Pacific of California, through Arizona and New Mexico, to connect with the Atchison, Topeka and Santa Fé Railroad, which when completed would enable the owners of that property (who are also the owners of the Central Pacific of California) more firmly and absolutely to control the commerce of the country than they now do. Who can doubt, from the past experience of the American people with the Central Pacific Railroad, that this road, when thus made the master of the field, owning the two main lines on the western coast and connecting with the lines running from the North and East, would not be as grasping and exacting as, or more grasping and exacting than, it is now? To show what these Union and Central Pacific roads have exacted in the past and what they are now exacting of the commerce of the country, I quote from a speech delivered in the Senate upon this question by Hon. STANLEY MATTHEWS on the 3d December, 1878:

The tariff of these companies in force previous to March 4, 1875, shows that their through-freight rates between New York and San Francisco were, on first-class goods, \$3.25 per one hundred pounds; on second-class goods, \$2 per one hundred pounds; on third-class goods, \$1.90 per one hundred pounds; on fourth-class goods, \$1.80 per one hundred pounds, with special rates as against sailing-vessels around Cape Horn for low-grade freights running from \$1.40 to \$1.70 per one hundred pounds.

In that month, immediately after the adjournment of Congress, a bill to secure the completion of the Texas and Pacific Railway having failed, and the Pacific Mail steamship subsidy act having been repealed, a new tariff of freight rates between New York and San Francisco was issued, by which first-class freights were raised to \$5 per one hundred pounds; and on the 29th of the same month the rates were increased to \$6 for first class, \$5 for second class, \$4 for third class, and \$3 for fourth class.

These rates nominally have continued in force until the present time; but by a circular issued by the companies, a copy of which I have examined, dated July 29, 1878, and issued since the adjournment of Congress at its last session, notice is given of very important changes in the classification of merchandise, affecting the rates of freight in a very remarkable degree. The following are examples:

Blankets, which, in the regular published freight tariff of February 25, 1878, are rated as second class, under the circular of July 29 are declared to be double first class, and when shipped in bales, under written release, at one and a half times first-class rates.

Organs, melodions, and pianos, boxed, are changed from first class to one and a half times first class.

Ribbons, &c., changed from first class to double first class.

So canvas, clothing, comfortables, cotton bags and bagging, and many other articles, are changed from first and second class to double first class. By that change, first-class goods, instead of paying on a ten-ton car load at \$6 per one hundred pounds, amounting to \$1,320, would pay \$2,640, and even that double rate is to be doubled upon any excess of twenty-two hundred pounds loaded in any car by the shipper.

No exhibit other than this is needed to account for the fact that, while during the past years of business depression all other railroads in the country have shared the losses of the community, many having struggled in vain to earn the interest on their indebtedness and but few able to pay dividends to their stockholders, the net earnings and profits of these companies have enabled them, even on a decreased volume of business, for the year ending June 30, 1878, to declare and pay as dividends—the Union Pacific, \$2,204,700; the Central Pacific, \$4,342,040; as appears by the official report of the Secretary of the Interior, just laid on our table.

The brief showing made in the statement just quoted ought to be sufficient to arouse the whole country to the necessity of prompt action upon the measure now under discussion. As a measure of economy on the part of the Government, there is a pressing necessity for favorable action. As a measure calculated to increase the trans-continental commerce of the country and invite it from the shores of other countries, there is a demand for it. As a means of reviving the industries of the South and the section through which the road must pass and of contributing in countless ways to the business and commercial prosperity of every section of our country and of promoting the general welfare of the people, it is a measure that should commend itself to the statesmanship of the whole country.

Every year you give subsidies amounting to many millions to improve your harbors, your lakes, and your rivers. Harbors as fine as are known in the world receive at your hands constant care and continued improvement. Millions of the people's money annually go out of the Treasury, in the way of absolute donations, to remove the ever-changing sand-bars and channels of your rivers. A million may go this year to clean out one of your streams, and next year from the annual freshets you may find new bars, new obstructions, and often a new channel miles from the old one where millions had been sunk for its preservation. This policy seems to be never-ending. The people of the States and Territories that have no harbors, no lakes, and no navigable waters contribute their proportion of the taxes to meet these constant subsidies—absolute donations to build up the commerce of the great cities on your seaboard and on your navigable streams.

Should there not be a like contribution from those quarters where so much has been received from the public bounty to benefit the remote interior of the country that can be aided by the Government in no other way?

Mr. Speaker, as shown in the report of the Secretary of War to the Senate of January 7, 1874, from 1789 to 1873 Congress in its liberality had voted for the construction of wagon-roads, railroads, and canals in the Northwestern States and Territories \$97,025,702, and during the same period and for the same purposes to the Southern States \$6,981,982. The same report shows that for other public works the disproportion was nearly as great, being for the Northern States and Territories \$76,859,609, and for the Southern States \$11,612,086. And, sir, when we come to look at the bounties of the Government to States, to Territories, and to corporations, we find the same extraordinary difference still existing. One of the reports of the Commissioner of the General Land Office shows that to Northern States, Territories, and corporations there has been donated as downright subsidies 149,413,543 acres, and to Southern States 37,181,383 acres.

But, sir, this is not all. The Government has granted in bonds to the Union Pacific, the California Central, and their branches, and paid interest on such bonds, a total of principal and interest amounting to about \$100,000,000. And, in addition, to these two roads and branches it has given lands amounting to over 53,000,000 acres, and to the Northern Pacific 47,000,000.

Sir, one of the grandest features of our Constitution is that taxation shall be uniform. How can it be so when year after year the people of certain localities and sections are taxed to build up the commerce, the prosperity, and wealth of other localities and sections, and receive nothing in return?

These very localities, denied by nature navigable waters, abound in all the elements of production that create wealth, and would give increased prosperity to the industries and commerce of the country; and yet the people of such localities languish in poverty, their untold wealth and boundless capacity for production lie buried and dormant, awaiting only the touch of enlarged statesmanship to bring into existence new fields for American enterprise as inviting as the valleys of the Ohio and Mississippi, as fertile as the prairies of Illinois and Iowa, and as alluring in mineral wealth as the mines of Colorado and Nevada. New fields, limitless in extent, where the suffering thousands of our people in the older sections who are without homes and employment, but who would gladly work if they could obtain work, could go and enter upon a career of happiness to themselves and of usefulness to their country.

It remains to be seen whether the statesmanship of the period is equal to the task of giving speedy and certain relief to the wants and necessities of the people of Nevada and California and to the transcontinental commerce of the country now suffering from exactions almost unendurable; whether that commerce shall be encouraged to grow and flourish, and our lines of trade and travel across the continent become great highways for the nations of the earth, and our commercial cities, North and South, East and West, the recipients of that prosperity and grandeur which it would give; whether the unpeopled fields of Western Texas, of New Mexico, Arizona, and Lower California shall be opened to the countless thousands of our people who are without homes, without bread, and without employment; whether the industries of this country shall have hope, encouragement, and expansion; and whether the bounties of the Government shall be as impartial as its taxes are intended to be uniform.

Sir, that statesmanship which cannot see beyond the confines of one congressional district, one State, or one section, or that kind which can see no "subsidy" in taking the money paid into the common Treasury by the people of my district (which is larger than all New England, and West Virginia thrown in) and giving it to clean out such streams as the Little Kanawha, in West Virginia, and Calumet Harbor, Illinois, and the Oconee, in Georgia, and the Kiskiminetas and Conemaugh, in Pennsylvania, when the Creator denied them water, or channels that can ever be utilized for navigation; or that other kind, kindred to the ones mentioned, which from favorable positions on committees and a certain amount of adroitness can revive stale claims, or provide for the expenditure of a few hundred thousand in certain localities, which are pure donations from the Federal Treasury ("subsidies" of an unblushing sort) to keep a certain class of economists in Congress; or, sir, that kind which denies to my section and to the whole country a great competing highway to be under the control of Congress, and which stands up here every day protecting the interests of the most gigantic, grasping, and law-defying monopoly the world has ever had; or that narrow and illiberal kind that can see no subsidy in voting forty million acres of the common property of the people to the Northern Pacific Railroad, (worth at the least valuation \$50,000,000, and equal to so much money taken directly out of the Treasury,) but which, with holy horror, widely-extended eyes, and a peculiarly suggestive shrug and twist of the shoulders, discovers a hated subsidy in the measure under discussion, which only asks an extension of Government credit to meet interest on \$38,750,000, and where the security is so ample and so complete as utterly to preclude the possibility of ultimate loss to the Government; and, sir, that other sort which votes millions for the aggrandizement of one section at the expense of the other, and which tends to make "hewers of wood and drawers of water" of the people of one section in order that the people of another may be still more elevated in grand-

eur and prosperity—statesmanship of the character referred to will never lead to the promotion of the general good of the entire people, nor serve to cement and bind together all the interests and sections of this great country.

Sir, those things may continue for a while, but the time is not distant when the people of Texas and of the section whose interests I advocate will come to the Halls of Congress with an array of power that will not only command respect, but will be sufficiently strong to enforce their just demands—not only so, sir, but a power that must very largely control the destinies of this great nation, and which, I venture to predict, will be exercised in an enlarged and patriotic manner, calculated to insure the perpetuity of free government, the prosperity of every portion of the country, and to the detriment and degradation of no section and no locality, however humble and unimportant.

Prevention of Contagious or Infectious Diseases.

SPEECH OF HON. J. H. MCGOWAN,

OF MICHIGAN.

IN THE HOUSE OF REPRESENTATIVES.

Saturday, March 1, 1879.

On the bill (S. No. 1784) to prevent the introduction of contagious or infectious diseases into the United States, and to establish a bureau of public health.

Mr. MCGOWAN. Mr. Speaker, during the summer and autumn of last year that most terrible of all the plagues, the yellow fever, visited our country. It gathered a harvest of twenty thousand victims. It depopulated villages and towns, buried millions of treasure with its dead, and brought bitter mourning to thousands of homes. The whole country was thrilled with horror—and the whole country responded with the sympathy of an open hand. Every man and every woman forgot politics, and party, and place, and remembered only the ties of a common humanity. Many a northern home where economy was already, from necessity, the rule, economized a little closer and shared the scanty income with our afflicted brothers at the South. Every village had its committee, charged with this humane duty, and from every village flowed southward a golden rivulet of aid, bearing the earnest prayers of the donors. Brave, noble women, left home and comforts and safety, and fearlessly faced the plague. The courage of the soldier in battle, surrounded by his comrades and urged on by dreams of glory, dwindles in the presence of this quiet heroism. Finally the frost came, and beat back the lines of advance, surrounded and destroyed the yellow fiend, and a whole nation breathed easier.

Congress was about to assemble, and to Congress the people anxiously looked for legislation to protect them if possible from a repetition of the horror. Shall they look in vain? It is true that a national board of health with power to examine and report on sanitary matters and a national quarantine with the power to prevent the importation of contagious and epidemic diseases are each likely to come in contact with commerce. That greed of money-making which would adulterate a people's food, refuse appropriations for drains and sewers, and hasten the sick to early graves with vicious drugs will quickly antagonize any proposition which exposes its crimes and cuts off its gains. And the miserly avarice which, for the sake of the profits on a ship's freight, would carry yellow fever to New Orleans and cholera to New York will at once cry out against the interruption of trade. I am proud of the commercial prosperity of my country, but I would strike it all down to save the people. No one rejoices more than I do that our manufactures and farm products are found in every market of the world, but I would yield it all and build a wall to heaven along every coast if thereby I could save the lives of the children that die every year from preventable diseases.

Commerce has stood like a tyrant and dictated the legislation of our country from the beginning. In its interest there has been paid from the common Treasury, in lands and money, more than \$400,000,000 in aid of railroads. For river and harbor improvements, for the consular service, in building light-houses and gathering commercial statistics, in subsidizing railroads and steamship lines, probably \$250,000,000 more. Of this I do not complain. These great sums have not been wasted. They have actually added to the wealth and prosperity of the country. But there are some things more sacred than ships and boats and cars; some things of more value than iron or silver or gold. Commerce must not ask for the lives of the people.

The prime minister of England has said—

That the health of the people is really the foundation upon which all their happiness and all their power as a state depends. It is quite possible for a kingdom to be inhabited by an able and an active population. You may have skillful manufactures, and you may have a productive agriculture; the arts may flourish, architecture may cover your lands with temples and palaces; you may even have material power to defend and support all these acquisitions; you may have arms of precision, fleets of fish-torpedoes; but if the population of that country is stationary, or yearly diminishes in stature and strength, that country is ultimately doomed.

And he adds:

The health of the people is, in my opinion, therefore, the first duty of statesmanship.

Edwin Chadwick, esq., late chief executive officer of the first general board of health of England, in an address before the international congress of hygiene of Paris last year, said:

The war minister needs the aid of the health minister and of his organization for the practical application of sanitary science; for with us, in war, hitherto, while the loss of military force in battle has been as one, the loss from unsanitary conditions and by disease has been as two. Our first army in the Crimea was lost by unsanitary conditions. The minister of war acknowledged in his place in Parliament that our second army was saved by the application of sanitary science, and returned in a better state of health than it had ever been in barracks at home; saved, it must be said, by the practical application of science acquired by acting as sanitary officers, who had their training under our first general board of health.

The simple proposition that a healthy people are necessary to the best success and highest prosperity of a nation seems quite evident. The prosperity and success of the individual is the prosperity and success of the nation. The victories of peace, as the victories of war, are won only with strong muscles and healthy brains. Plagues bring such panic to communities as to utterly destroy commerce and industry. Malarial diseases and chronic ailments, when widespread, result in weakness and disability which soon become equally disastrous. Then, from the very necessities of civilization, from the inherent law of self-preservation, a government must care for the health of its citizens.

Wise old Adam Smith lays down as the first principle of political economy that—

The annual labor of every nation is the fund which supplies it with all the necessities and conveniences of life which it annually consumes, and which consist always either in the immediate produce of that labor or in what is purchased with that produce from other nations.

Hence the power of a nation to advance in civilization depends ultimately upon its productive labor. The efficiency of labor depends upon the health of the laborer. The health of the laborer can only be promoted and conserved by an intelligent obedience to sanitary laws. For Congress to ignore these truths is to neglect the first elements of statesmanship. It is true that legislation in this direction may not attract immediate attention. But the statesmanship that looks no further than startling the masses with a display of political pyrotechnics, or gathering to a party the largest number of votes, is of no value to the country.

Gentlemen of the State-rights school may talk of constitutional objections to a national quarantine and a national board of health. Let me say to them that yellow fever has an immense contempt for "State rights." While the governors of Mississippi, Georgia, and Tennessee are protesting to the governor of Louisiana that the ancient and venerable doctrine of "local self-government" is quite opposed to his allowing any nuisance to leave his borders and imperil his neighbors, Yellow Jack quietly steps over the lines, enters their homes, and they flee to the mountains.

Dr. Chancellor, the able secretary of the Maryland State board of health, who has given the subject of yellow fever most careful and intelligent investigation, and who has experienced in his own person the effects both of cholera and yellow fever, says in a letter to me:

Nothing can be more reasonable than the belief that it (yellow fever) is modified by the varying relations of the several contingencies which surround us. It is certain the disease cannot spread except in an atmosphere fitted for it. Decaying vegetable matter produces congestive malaria, and decaying animal matter produces the type of miasma which causes typhoid or typhus fever, and the atmosphere, vitiated by these two poisons, will serve as a medium for the spread of yellow fever where the germ of the disease already exists, either by importation or by being preserved from summer to summer in warm climates. Nothing is surer than that typhoid fever is produced by animal effluvia, notably the emanations from privy vaults and sink drains, and if at the same time a vegetable malaria such as produces a high grade of remittent or bilious fever is prevalent, a disease akin to yellow fever will be sure to follow. If upon this typho-malarial type of fever the germ or seed of yellow fever be ingrafted, we shall then have unequivocal yellow fever, which is rarely if ever propagated in any other than a typho-malarial atmosphere.

If, in other words, the atmosphere is fitted for the reception of the yellow-fever germ, the disease will not only be produced, but under favorable conditions of temperature will become epidemic. These remarks naturally lead to the announcement of the opinion that the cause of yellow fever and its spread, speaking of it as a unit, although it may consist of many combined influences, can be removed, and the disease excluded from our cities and towns by proper sanitary precautions and a proper system of quarantine laws. Nothing short of an efficient code of health laws, alike operative in all cities and towns, will secure us from the evils of pestilence; and a knowledge of this fact should, I think, induce the General Government to legislate without delay on the subject.

There is but little reason to doubt that germs of the yellow fever will be kept alive in many localities where the disease existed last summer, and favorable conditions of the atmosphere will develop them into active life during the coming summer. The country must not expect freedom from the scourge during the coming year, even under the most vigilant quarantine. Quarantine, then, as it pertains to yellow fever, is of less importance than thorough measures to prevent the disease from spreading from points inland where it is likely to break out.

There is another urgent reason why Congress should at once provide some commission or sanitary board to which can be referred all questions of health during the coming year. There is but little reason to doubt that we shall have Asiatic cholera in our midst before the summer closes. It, or a contagious disease akin to it, is now epidemic in Asia and European Russia. It always follows the lines of travel, and since 1826 has never failed to reach the United States when it generally prevailed in Europe and Asia.

Dr. Peters, in his *History of the Asiatic Cholera*, claims that ever since 1756 (one hundred and twenty-three years ago) it has recurred as an

epidemic in periods of twelve years each, corresponding with the twelve yearly festivals of the Hindoos. The disease is native to India, and constantly exists there in some form. During these festivals, which are pilgrimages to the various shrines, thousands, and even millions, leave their homes and journey and mingle together. In this way the disease is spread and becomes epidemic. It follows the great routes of travel to the west and northwest until it passes through Asia into Europe and eventually to America. In 1826 it became epidemic in Hindoostan, its native home, and gradually spread until, in 1829, it was distributed throughout Russia; reaching England in 1830-'31.

In the spring of 1832 it was brought to Quebec, from whence it was carried up the Saint Lawrence and across the lakes to Detroit, where it met the United States troops going to the Black Hawk war. It was distributed to all the national posts and forts in the then extreme West, being specially severe at Fort Dearborn, Chicago, Fort Crawford, near Prairie Du Chien, and Fort Armstrong, at Rock Island. From the latter place it was carried down the Mississippi River, striking New Orleans in October of the same year.

Twelve years thereafter, or in 1841, this contagion started in another tour around the world. It was found at Hurdwar in 1843; at Afghanistan, in Persia, in 1845; at Teheran in 1846, and Astrakhan in 1847. In 1848 it reached Havre, and was carried to New Orleans in some German emigrant ships the same year. From New Orleans it followed the travel up the Mississippi and along the Ohio. From Saint Louis it was carried over the emigrant route to San Francisco, and eventually was distributed over nearly the whole country. Thus it will be seen that within the space of fourteen years the country suffered two visitations from the terrible plague. The first time, being introduced at Quebec and following the rivers and lakes, it reaches New Orleans by going down the Mississippi; the second time, it starts at New Orleans and goes up the river, and is thus distributed. Each time it follows the great national highways, and each time it is largely distributed by the United States Army, which it at the same time decimates.

The last great twelve-yearly cholera epidemic commenced in India in April, 1865. By means of railroads and steamboats it reached Mecca, on the Red Sea, by May 2, and Alexandria, June 2, and England, July 10. Emigrant ships soon brought it to New York, from whence it passed along the railroad and water lines to nearly every part of the country. This author, (Dr. Peters,) writing previous to 1874, says:

In 1877 and 1879 we may expect an outbreak of the disease such as there was in 1781-'83, 1817-'19, 1829-'31, 1841-'43, 1853-'55, and 1865-'67.

And he adds:

In our next contest with the disease our whole safety lies in quarantine and thorough disinfection.

Here, then, Mr. Speaker, is an additional reason why the subject of quarantine should receive prompt and thoughtful attention. But a still higher need is a thorough examination and study of the sanitary conditions of the whole country. What are known as plagues, such as cholera and yellow fever, only come to us occasionally, and in a series of years make but little difference in the death rate. They sweep over a section of the country and produce great havoc for the time being, but their force is soon spent or their progress arrested by frost or other atmospheric changes. But another class of preventable diseases abide from year to year, and cause 20 per cent. of all the deaths by disease. These are the zymotic maladies, such as diphtheria, scarlet fever, croup, typhoid and typhus fevers, measles, erysipelas, whooping-cough, malarial fevers, and many others.

During the very time while the yellow fever prevailed last summer there were, doubtless, many more deaths from these diseases which I have named than from the plague. A prominent sanitarian told me that he had gathered the statistics of deaths in twelve or thirteen of the larger cities of the country occurring from these preventable diseases from May to October—covering the time of the yellow fever—and found them to amount to about the same as all the deaths from the plague. In New York City alone during the last four months of the past year—covering the cool and healthy months—there were 1,150 deaths from zymotic diseases; in Philadelphia, 713; Brooklyn, 620; Chicago, 403; Baltimore, 320; Boston, 304; and Cincinnati, 409; making nearly 4,000 in the seven cities.

Had these deaths been occasioned by yellow fever, or cholera, or small-pox, they would have created a panic. But no class of diseases yield more readily and surely to sanitary precautions than these. A life lost from typhus fever is as great a loss to the individual, to the home, and the country as though it had been occasioned by yellow fever.

Mr. Speaker, I had expected, in this discussion, to have left the constitutional questions involved and the question of yellow fever almost wholly to others. This demand for legislation grew out of the scourge which overtook the South during the past summer. I supposed that most of the debate would be upon that phase of the subject. I proposed to consider more particularly some other reasons for creating a national health board. Some of them I have already mentioned. I shall now be pardoned for a somewhat more extended reference to another subject, which, it seems to me, is quite germane to this, and which has assumed a national importance and should receive the early consideration of a national board of health. I refer to the adulteration of foods, drinks, and drugs.

A chemist in the Agricultural Department furnishes me a list of articles, all of which he either examined himself or which were examined under his immediate observation. They were purchased in small quantities in the ordinary way from grocers, druggists, and marketmen. They consist of potato oil, coal-economizer, butter, wine, chemicals, baking-powders, paints, oils, volatile oils, powdered drugs, red pepper, mustard, ginger, cinnamon, vinegar, pickles, sirups, coffee, and tea. All of these were adulterated—some of the articles of food with substances which were very injurious to health; all of them in such a way as to defraud the purchaser.

In the American Journal of Pharmacy for October, 1877, will be found an account of the examination of six samples of ground coffee and five samples of coffee essence. All the samples of ground coffee contained chicory and three of them additions of wheat and beans—not one pure. Of the five samples of coffee essence only two contained any coffee whatever, and three were simply mixtures of licorice-root, wheat, beans, chicory, and burnt sugar.

In the American Chemist for August, 1876, will be found the results of a chemical examination of five samples of ground coffee, sold as such in manufacturers' packages, all at twenty-five cents per pound. No. 1, marked as "pure Mocha and Java," contained about 23 per cent. of chicory; No. 2, marked "pure Rio," 25 per cent. of chicory; No. 3, a "pure Java," "any one-pound package liable to contain an order for a set of silver spoons," was mixed with 22 per cent. of chicory and further additions of peas and oats; No. 4, a "royal Java, each package liable to contain an order for a clock," had 31 per cent. of chicory, and No. 5 was a mixture of chicory, carrots, and peas.

Dr. Kedzie, the learned and able chemist of the agricultural college in my own State, furnished a paper to the State board of health of Michigan, in 1874, on the impurities and adulterations of table sirups, in which he says:

In making my selections for examination I obtained specimens only from those who are regarded as first-class tradesmen. If sirups bought at such places are adulterated, we may well suppose that the inferior class of dealers will have no better articles. Some have said that, undoubtedly, poor people who trade at small groceries are swindled in their sirups, but that the respectable class of citizens who patronize first-class grocers need not apprehend any such imposition. I determined to follow up "the respectable citizen" and see what sirups he obtained of "first-class grocers." Part of the specimens were obtained near home, but the most from abroad. I have examined seventeen specimens in all, with the general result that two were made of cane sugar, and fifteen of starch sugar or glucose.

Some of these analyses are decidedly interesting. The doctor says of No. 3:

The grocer called it poor stuff.

And adds:

I have seldom seen an article that better sustained its recommendation. Made of starch sugar, contains plenty of copperas and 297 grains of lime in a gallon. No. 9 contains in a gallon, 71.83 grains of free sulphuric acid, 28 grains of sulphate of iron, and 363 grains of lime. No. 11 contains in a gallon 141.9 grains free sulphuric acid, 25 grains sulphate of iron, and 724.83 grains of lime.

All the fifteen samples of what might fairly be called glucose sirup were adulterated with poisonous substances. Many of these sirups looked well, and were doubtless similar to those in common use among all classes. But a few days since Professor Collier, of the Agricultural Department, showed me a very fine appearing specimen of sirup which was then being examined in the laboratory. He afterward informed me that it proved to be an abominable mixture of glucose—probably made from potatoes—and other foreign substances, but not a particle of sugar-cane sirup.

Dr. Ames, of Wakefield, Massachusetts, in the fifth annual report of the Massachusetts State board of health, says upon this subject:

One of the most difficult duties that devolve upon a local board of health is the proper inspection of the various channels of supply of the food, drugs, &c., consumed by a community, and the exercise of a proper precaution in regard to the several articles used, to insure their freedom from adulteration, impurities, &c. The duty, as has been said, is difficult, but is imperatively necessary of performance if the public health is to receive that care and guardianship its importance demands. One cannot read any of the more recent publications of our own or foreign authors on this subject and avoid the conviction that, without some adequate provision in law for the prevention of the frightful impositions and dangers involved in modern adulteration of articles of the commonest use, life is placed in constant and imminent peril.

The doctor adds a list of adulterated articles which he had found exposed for sale. Milk he found mixed with water, flour, chalk, salt, sheep's brains, gum-arabic, annato, and caramel; bread with alum, lime-water, and lead; flour with ground damaged peas, alum, and kaolin, and containing numerous other impurities, such as worms, insects, acari, and smut; tea colored with black-lead and Prussian blue; ginger mixed with five different substances, turmeric being the worst; butter with fat and lard, and loaded with salt; confectionery adulterated with, and poisoned by, arsenic, sulphate of copper, prussic acid, tartaric acid, and fusel-oil; pickles with sulphate of copper, and sugar by additions of clay, sand, and bran-dust, and injured by being purified with putrid blood.

Dr. B. H. Hill, assistant in chemistry in Harvard College, furnishes a paper on the adulterations and impurities of food in the fourth annual report of the Massachusetts board of health, in which he gives his own examination of seventy-seven samples of confectionery and twelve samples of pickles. Sixty-seven of the seventy-seven samples of candies were colored. There were seventy-eight pigments in all used in the coloring, and thirty-six of them contained lead, one contained mercury, and one arsenic of copper. Of the twelve samples of pickles examined all but two contained sulphate of copper, one in the proportion of 2.19 grains to the pound.

In fact, the reports of the various boards of health of the different States are filled with startling facts of this kind. These are not isolated instances, but wherever the examinations are made similar facts appear. Neither are they the statements of irresponsible parties who for the sake of a sensation are ready to say anything. They are the honest, warning words of eminent physicians, chemists, and sanitarians. Most of my information has been gathered from official sources. I am convinced that it is an evil of great magnitude, and one that may well occupy the serious attention of the National Legislature. There are only twelve of the States which have active boards of health, but the presumption is that our tradesmen and manufacturers are no more honest than those of Canada and England, and if we had no facts concerning these pernicious practices among our own people the experiences of our neighbors would well warrant us in making investigations.

Dr. A. Normandy, a practical chemist of England of considerable note, the author of several treatises on chemistry and chemical analysis, said, as early as 1850:

If one of the principal characteristics of our epoch, in a commercial point of view, is the immense progress which every department of productive industry has achieved, it must be admitted that the arts of adulteration and sophistication have more than kept pace with that progress. These arts have invaded the luxuries and necessities of both the rich and the poor—raiment, food, medicine, furniture, the means of life, and the requirements of disease; all that can be mixed, huddled, twisted, ground, pulverized, woven, pressed—all articles of consumption in trade, in manufactures, in the arts—in a word, all that can be made matter of commerce and be sold is adulterated, falsified, disguised, or drugged.

In a work of over six hundred pages, entitled Normandy's Commercial Hand-Book of Chemical Analysis, this author gives a list of nearly every article of food, and of drink, and of drugs, then known to the English market, showing that they were all, to a greater or less extent, either adulterated or extended. Among the articles of food he found samples of bread adulterated with alum, subcarbonate of magnesia, sulphate of copper, sulphate of zinc, subcarbonate of ammonia, carbonate of potash, chalk, plaster, lime, clay, starch, water, and pulp of potatoes. Flour was found mixed with potato starch, bean-flour, Indian corn-meal, rye and rice flour, alum, chalk, bone-dust, and plaster. Sugar was sold in the market mixed with sand, plaster, chalk, potato-flour, and glucose.

At that time there stood upon the statute-books of England a law providing that "no brewer, dealer, or retailer of beer shall receive or have in his possession, or use, or mix with, or put into, any worts or beer, any molasses, honey, licorice, vitriol, quassia, coculus indicus, grains of paradise, Guinea pepper, or opium, on the penalty of having such drugs and the beer and the casks forfeited and such dealer fined £200." And the author alleges that this law, which had grown out of the illicit practices of the brewers and dealers, was a "dead letter," and that so extensive was the practice of adulterating ale that a class of shopmen came into existence known as "brewers' druggists." The brandy, gin, rum, whisky, and the various wines were all more or less mixed with foreign substances, many of which were poisonous.

There is also evidence in this book that the English milkman of a generation since was a worthy progenitor of the "cute Yankee" who to-day in New York draws eight quarts from a gallon cask.

The author says the frauds practiced by the vendors of milk were of two kinds—"frauds by addition and frauds by subtraction;" the former by adding yellow coloring matter, flour, emulsions of hemp seed, and calves' brains, and a vigorous use of the pump; the latter, by taking out the cream.

This work of Dr. Normandy's was followed in 1855 by a work on Food and its Adulterations, by Dr. Arthur Hill Hassall, a noted physician and chemist, being at the time the chief analyst of the analytical sanitary commission of the lancet. His work is treated, I think, by chemists as authoritative and accurate. It is composed largely of the reports of the lancet commission, covering four years, from 1851 to 1854, inclusive. The actual analyses of many thousands of articles are given, resulting in the discovery that of all those examined 65 per cent. were adulterated. England was aroused to the importance of the subject.

Dr. Hassall says:

The fact has, at length, become recognized that the sanitary condition of the people is the great social question of the day, for it is one which vitally affects the interests, the well-being, and even the safety of every individual throughout these realms, rich and poor, high and low, but especially the latter. One statistical fact only need be cited to show its vast importance, not merely in this country, but throughout the whole world; this is that more persons have died, and still continue to die, from the neglect of proper sanitary precautions, and from living in violation of the fundamental laws and rules of health, than have ever fallen in battle.

The causes which tend to impair health and to shorten life are numerous, and surround us daily. The majority of them may, however, be referred to certain heads—as foul air, impure water, and adulterated food and drink. Among these causes the last is assuredly not an unimportant one, as is abundantly demonstrated in the pages of this work.

Legislation followed the report of the lancet commission. Laws were enacted to prevent and punish the adulteration of foods and drinks—crude at first, but gradually made more efficient, until in 1871 it is reported in the Analyst, by Dr. Wigner, that while the well-known investigations of Dr. Hassall showed 65 per cent. of all the samples examined to be adulterated, under the act of 1872 the adulterations fell off to 26 per cent., and under the act of 1875 they were still further reduced to about 18 per cent.

By the official reports of the Dominion of Canada for the year 1876

it will be seen that of all the samples of food, drugs, drinks, and groceries analyzed by the public analyst 51½ per cent. were adulterated; of nineteen samples of pepper only two were pure; of ten samples of coffee only one was pure; of five samples of quinine only one was genuine; of the whole weight of three samples of coffee only one-eighth was pure coffee, the other seven-eighths being chiccory, beans, &c.

Now, Mr. Speaker, I do not feel warranted in further occupying the time of the House. In what I have said I have had in mind the provisions of House bill 6500. The board created by this bill would consist of eleven members—seven to be appointed by the President by and with the advice and consent of the Senate, no two of whom should be from the same State; the other four to consist of a medical officer detailed from each of the Departments of War and Navy and one from the Marine Hospital Service and an officer from the Department of Justice; these to serve without other compensation than their regular salaries. The duties of this board would be to make special examinations concerning the sanitary conditions of the whole country, and if necessary for their intelligent action they are empowered to examine the condition of foreign ports, to advise the several Departments of the Government and the executives of the several States, and also aid in the work of the State boards of health and State and municipal quarantine authorities. But this is discretionary with the board. Sufficient appropriation is made for carrying out the purposes of the bill.

The third section, which is probably the most important, provides for a full report to Congress, together with a plan for a permanent national health organization. Hence the board as provided in this bill is temporary and preliminary to some kind of permanent organization, should Congress deem it advisable after the experiment and the report.

No State or other local organization can be so effective in gathering information and statistics as a national board. It will have all the machinery of the Government to aid it, all the Departments being bound to this by the law creating it. By means of the railroads, rivers, lakes, and telegraphs it will reach every portion of the country and gather accurately the facts from every locality, furnishing in its reports to Congress the data for reaching proper conclusions as to cause and prevention and for intelligent legislation.

We have seen how important this would be in connection with yellow fever. This curious disease has brought the confession from all physicians that they know but little about it—the only point on which they have harmonized for many years. All its peculiarities and exhibitions must be carefully noted and patiently studied. For the purposes of safe generalization as many facts must be gathered as possible. It would be gross folly to bind such an investigation by State lines. It must cover the whole ground; it must exhaust every source of information; and this must be done by men thoroughly trained for the purpose—men eminent as sanitarians and humanitarians.

They must be so compensated for their services as to free them from the distraction of other cares. A national board of health should be composed only of men of the highest moral character, and they should be as free as possible from political influences and changes. And they must be specially skilled for the work. This means something more than to be eminent physicians or chemists. Edwin Chadwick says:

The medical college may send out its students highly perfect as physiologists, highly competent to diagnose the human subject, to show how his *præter viam* and his capillaries may be cleared and his secretory system be kept in healthy action; but that is not enough for sanitation. For sanitary service they must know how to diagnose a city, and even a house, and put its arterial and venous system, its capillaries, its *præter viam*, its excretory functions, and its lungs in harmonious action and how to keep them so. They must know and be able to show distinctly how a sickness and a death rate may be reduced, or, however skillful they may be in curative science, for preventive service they are worthless.

And now, sir, what is true of yellow fever is equally true of all other preventable diseases. Only a national board of health such as I have described can properly take jurisdiction of this most important subject.

Brazilian Mail Service.

SPEECH OF HON. J. G. CARLISLE,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 28, 1879.

On the amendment of the Senate to the bill (H. R. No. 6143) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes.

Mr. CARLISLE. Mr. Speaker, I desire to state as briefly as possible some of the reasons which constrain me to vote against concurring in the pending Senate amendment. This is a proposition to authorize the Postmaster-General to pay \$300,000 per annum for a period of ten years, making \$3,000,000 in all, for carrying the mail from New York by way of Norfolk to Rio de Janeiro, in Brazil, and from New Orleans by way of Galveston to the same place. The ostensible purpose of the amendment is to increase our postal facilities, but its real purpose, as disclosed by the reports of the committees of

the House and Senate and by the arguments of the gentlemen who advocate it, is to give aid and encouragement to our commerce with Brazil. The Committee on the Post-Office and Post-Roads, in its report to this House during the last session recommending a similar provision to the one now under consideration, used this language:

In assigning their reasons for recommending any legislation in regard to ocean mail transportation, the committee desire to say, at the outset, that the subject involves considerations reaching very far beyond the mere postal interests of the Government. Indeed, the latter are of secondary importance. The main object contemplated is the revival of American commerce, by the opening of new avenues of trade, thus giving a quickening impulse to all our industries. A liberal policy—such a policy as that adopted by other countries to our great disadvantage—in fostering our merchant marine by every means, including liberal compensation for carrying the mails, is absolutely necessary, in the judgment of the committee, to the national welfare at this time.

The Senate Committee on Post-Offices and Post-Roads in its report makes substantially the same admission as to the real object of the proposed expenditure, and indeed no one who is at all familiar with the present cost and condition of our foreign mail service can for a moment suppose that this large outlay is necessary in order to secure postal communication with the empire of Brazil. Our entire foreign mail service, including Brazil, costs now only about \$260,000 per annum, and yet it is proposed by this amendment to pay \$300,000 per annum for ten years for the service between four of our ports and Brazil alone. The mails are now carried between the United States and that country for less than \$1,500 per annum.

From the report of the Postmaster-General, submitted at the beginning of the present session of Congress, it appears that the whole cost of ocean mail transportation for the fiscal year ending June 30, 1878, was \$197,276.15, and in order to show how utterly unjustifiable the pending proposition is as a measure to pay for ocean mail service I propose to examine that report a little in detail. It shows that for eighty-three trips by the Cunard line from New York and Boston across the Atlantic the Department paid in all \$34,266.53, and that for three hundred and ninety-seven trips by the Hamburg, Imman, North German, and other lines from New York, Philadelphia, and Baltimore there was paid the sum of \$128,394.60, or altogether the sum of \$152,661.15 for nearly five hundred trips, and for all the service to and from this country and all the countries in Europe. At the rate proposed to be paid for similar service by this Senate amendment it would have cost the Government at least \$4,000,000 to carry the mails to and from Europe alone during the last year.

The trans-Pacific mails to and from the distant countries of Japan, Hong-Kong, China, New South Wales, other Australian colonies, New Zealand, Feejee Islands, and the Sandwich Islands cost only \$9,389.25; and yet this proposition is to pay \$12,500 for each trip between New York and Rio de Janeiro, a distance of about five thousand nautical miles. This report also exhibits the fact that the entire cost of all our mail service to and from all the countries of South America with which we have postal communication—that is, Brazil, the Argentine Republic, and Uruguay and Venezuela—amounts to only \$2,143.70, of which \$1,449.01 goes to pay for carrying the mails to and from Brazil. But if these facts are not sufficient to satisfy all intelligent people that this is not in good faith a proposition merely to pay a just consideration for carrying the mail, we have in addition the statement of the Postmaster-General himself, the officer designated by law to superintend that branch of the public service and to promote its efficiency, that he does not need this legislation, and is satisfied with the existing arrangements.

Sir, this measure, like all others, should be considered in view of its real purpose, and not be allowed to masquerade in the guise of a postal proposition. Assuming, then, that this is not a mere postal measure, but a measure predicated upon the power of Congress to regulate commerce, is it not a violation at least of the spirit of the Constitution? That instrument declares that—

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another.

It is thought by some that this prohibition applies only to the action of Congress in the imposition of duties on imports, but it will be observed that the language of the Constitution is very clear and explicit as well as comprehensive, and that it expressly includes regulations of commerce as well as regulations of revenue. I admit, and have always insisted, that the power to regulate commerce and the power to raise revenue by laying and collecting taxes, duties, imposts, and excises are separate and distinct powers, having no necessary or logical connection with each other, and hence I have never believed that the taxing power could be constitutionally employed to regulate or interfere with commerce as is done by our existing tariff laws.

If we have any power at all to appropriate money out of the public Treasury for the purposes contemplated by this amendment, it must be as an incident to the power to regulate commerce, and that power, as is shown by the clause just read from the Constitution, is subject to the express limitation that it shall not be so exercised as to give a preference to the ports of one State over those of another. It may be said, however, that the power to make such an appropriation is derived from the common defense and general welfare clause attached to the grant to levy and collect taxes, duties, and imposts, but I think it will be difficult for any gentleman to show that it has the effect to enlarge the powers of Congress beyond those expressly enumerated or necessarily implied. But it is not my purpose to enter into the argument as to the meaning and effect of that clause. It is an old

question, and one which will probably never be finally settled while the present Constitution exists.

My own opinion is that the Federal Government has no right to impose a tax or duty to raise money for any other purpose than to enable it to pay its debts and execute its enumerated powers, and that when money has been raised by taxation under general laws it can be appropriated only for purposes and objects within the enumerated powers. Here is a proposition to appropriate money, not strictly speaking to regulate commerce, but to create commerce by subsidizing two lines of steamships upon condition that they shall engage in the carrying trade between certain designated ports in this country and a port in a foreign country. They cannot receive this subsidy or any part of it unless they run to and from those particular ports. Out of all the ports in the United States along a sea-coast of more than six thousand miles, and situated in twenty States and four Territories, only four are selected, and their commerce with Brazil is to be promoted by bounties and subsidies at the expense of all the others.

If this does not give these ports a preference over all the ports in other States, I confess my inability to comprehend the practical effect of the measure. Aside, therefore, from its doubtful constitutionality as a measure to create commerce under color of regulating it, I submit to the House that it is prohibited by the plain terms of the clause just referred to. Speaking of the prohibition in question, Mr. Justice Story, in his Commentaries on the Constitution, says:

The obvious object of these provisions is to prevent any possibility of applying the power to levy taxes or to regulate commerce injuriously to the interests of any one State so as to favor or aid another.

And again he says:

On the other hand, preference might be given to the ports of one State by regulations either of commerce or revenue which might confer on them local facilities or privileges in regard to commerce or revenue.

Does not this amendment plainly propose to give certain ports in New York, Virginia, Louisiana, and Texas important and valuable facilities and privileges in regard to our commerce with the empire of Brazil not afforded to any port in the other thirty-four States of the Union? No gentleman will venture to affirm that it does not; no gentleman can fail to see that the very object of the amendment is to encourage commerce to enter certain ports in preference to others.

No matter how many American-built iron steamships of three thousand tons burden, or over, may offer to engage in commerce with Brazil and to carry the United States mails to and from the ports of Philadelphia, Baltimore, Charleston, Savannah or Mobile, they cannot receive the benefit of this amendment or of any general provision of law now in force or proposed to be enacted. Not only are those ports denied the benefits to be derived from aids and subsidies, but they are subjected to the disadvantage of having to compete for trade with other ports upon whose commerce the Government pays a premium. I admit that if this were purely a postal measure, if the sole object and purpose of the proposition was to provide for the payment of a remunerable compensation for carrying the mails between this and a foreign country, the case would be different, because the Government unquestionably has the right to designate the ports and places to and from which that service shall be performed. But when this power is attempted to be perverted, as it clearly is at the present instance, I hold that the constitutional prohibition which was intended to secure the absolute commercial equality of the ports in the several States, ought to be rigorously applied.

Sir, if we have the power to create commerce with foreign countries by granting governmental bounties, aids, and subsidies, and if, notwithstanding our experience in the past, we are to enter again upon that policy, let our legislation be general and impartial. If the people's money is to be appropriated for any other than strictly public purposes, let us at least distribute it equally among all the objects and enterprises of the same class and not select here and there a favorite locality or a favorite project to be fostered and encouraged at the expense of all others. But ought we to inaugurate this policy at all? I appreciate the importance of securing the trade, not only of Brazil and the other South American states and confederacies, but of Mexico as well; but, in my opinion, subsidies to steamship lines will not enable us to accomplish that object. What we want is liberal commercial treaties with those countries in order that our products may be exchanged without being subjected to high tariff and export duties on the one side or the other, and then we want free ships to carry these free goods. We have tried subsidies and they have failed.

Since 1847 there has been paid out of the public Treasury not less than \$21,000,000 to steamship lines, and yet it has been stated on the floor to-day, and not disputed, that \$7,000,000—one-third of the amount—would buy every steamship that flies the American flag. Where has that enormous sum of money gone—a sum sufficient to defray the entire expenses of my State for fifteen years—where has it gone? The reports of your investigating committees in past Congresses show where a large part of it went, and it is safe to assume that they do not disclose half of the corruption engendered by this vicious policy.

From 1865 to 1875, ten years, we had a subsidized line to Brazil to which the Government paid \$150,000 per annum, or \$1,500,000 in all. It was secured from Congress by precisely the same arguments that are being used now to persuade us to adopt this amendment. Our commerce with that country was to be permanently established;

England, France, and Germany were to be driven out by our competition; South America was to become our India; our tobacco, flour, agricultural implements, cotton goods, and other manufactures were to find a ready market, and boundless treasures of gold and silver were to be poured into our coffers in return for them. But what was the actual result? What was the actual condition of our trade with that country when the subsidized line was established and when it ceased operations, for it did cease operations almost the moment the subsidy expired?

In 1863, before the line was established, our imports from Brazil amounted to \$10,945,476, while our domestic exports to that country were \$7,451,292; that is, we exported about three-fourths as much as we imported. In 1865, the year the line of steamers began, the imports were \$9,784,312, and the domestic exports were \$6,485,872, and during the whole ten years of the subsidy the average annual exports from this country were less than \$6,000,000, while the imports from Brazil ran from \$9,784,312 up to \$43,889,647 per annum, or more than six times the amount of our exports. The effect, therefore, of the operations of the subsidized line, if it in fact had any effect at all, was not to increase to any appreciable extent the Brazilian demand for our products, but to develop a profitable market and a largely increased demand for the products of that country. Instead of bringing money here, it took many millions of dollars away from us every year to settle the balance against us. In 1876, after the subsidy ceased, our exports were \$7,272,218, in 1877 they were \$7,497,118, and in 1878, \$8,610,640, thus showing that without any pecuniary aid from the Government our exports to Brazil are gradually increasing from year to year; and no gentleman can claim, or if he does he cannot show by the statistics, that there was anything more than this gradual and natural increase during the ten years when we paid \$1,500,000 of the public money to the owners of steamships.

What I mean to affirm, and what our experience has demonstrated, is, that the expenditure of \$1,500,000 out of the Treasury to increase our commerce with Brazil has yielded us no adequate return and promises none in the future; that the slight annual increase in our exports would have taken place as certainly without that expenditure as with it; and that the only marked change in the trade that occurred during the subsidy period was the extraordinary increase in the importation of Brazilian products into this country.

Such has been our experience upon this subject and with reference to this particular trade, and I do not think it is such as to justify us in repeating the experiment. The Emperor of Brazil, with that quick perception of his own interests which has always characterized him, understood at once the great advantages accruing to his country from the operations of the line, and hence he has granted a subvention of \$110,000 or \$115,000 per annum to one of the very lines which this amendment proposes to aid. Certainly if the American market for Brazilian products can be improved during the next ten years as it was during the ten years the Garrison line was in operation he can well afford to expend this sum, or even twice as much, to maintain the traffic; but no such benefit has accrued to this country, and none such is likely to accrue. We cannot afford to expend \$3,000,000 in order to multiply six or seven fold the American demand for foreign products while the demand for our own stands still or, at most, increases only in the usual and natural ratio.

It is not my purpose to go generally into the subject of subsidies, but before we determine to engage again in the extravagant and profligate system of land grants, appropriations of money, and loans of the public credit which prevailed during and immediately after the late war, it is our duty to pause at least long enough to survey the field behind us. If we are unable to predict the future consequences of our own acts, we are at least in a situation to understand and to feel the results of past mistakes. The Government has donated to private corporations a magnificent empire embracing almost every variety of soil and climate, and capable of producing almost everything that can contribute to the wealth and happiness of the human race. It has already paid in interest on its bonds loaned to these same corporations the sum of \$41,773,745.22, of which they have repaid by carrying the mails the sum of \$10,658,076.85, leaving at this time due to the United States \$31,115,668.37. Besides this, there is now due and unpaid interest to the amount of \$646,235.12 which the Government must discharge. Fortunate would it be for the tax-payers of the country if we could stop here and say that this is the whole extent of the loss and liability.

The sixty-five millions of bonds issued to these companies are still outstanding, have many years yet to run before maturity, and the interest is falling due regularly every six months; the Government must pay it, and the people must lose it, or at least the greater part of it. No man can certainly say what the aggregate loss in actual money will be, but in my opinion the country will have cause to congratulate itself if it finally escapes with less than \$100,000,000. And, sir, these unparalleled appropriations of the public property and public money have resulted, as might have been expected, in so augmenting the wealth and power of these favored corporations that they are to-day strong enough to defy the authority of the Government itself. Unless restrained by the representatives of the people, not many more years will elapse before they will combine and confederate not only to prey upon the commerce of the country, but to enter the field of politics and control State and Federal legislation. If we cannot retrace our steps, if we cannot restore to the public the

lands and money of which the people have already been despoiled, I hope at least that we will not multiply these corporations or increase their power.

Brazilian Mail Service.

SPEECH OF HON. S. L. MAYHAM,

OF NEW YORK.

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 28, 1879.

On the amendment of the Senate to the bill (H. R. No. 6143) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes.

Mr. MAYHAM. Mr. Speaker, the brief time allotted for debate on this proposition makes it quite impossible to do more than state the reasons which influence my vote. I shall not therefore attempt any extended argument, but in as few words as possible show that the proposition to authorize the Postmaster-General to contract for the carriage of the mail from New York along the eastern coasts of the United States and West Indies, and also from New Orleans by the way of Galveston, to Brazil is in no sense of that term a subsidy. The bill provides that the Postmaster-General shall advertise for a suitable class of steamers of a given tons' burden, and shall receive bids and shall let the contract to the lowest bidder, who shall give ample security for the performance of the contract.

It is said by those who are in the interest of or the advocates of the European steamship lines that this is a subsidy, and this argument is based upon the assumption that John Roach is the only man who can take and perform this contract according to its terms. It so happens that I do not know personally either John Roach or any other steamship owner, or a member of any steamship company, and am therefore unable to judge of the means or ability of any man or company to perform this contract.

But, Mr. Speaker, I cannot for one moment believe that in a country so vast as ours in material, capital, and labor, all of which enter so largely as factors in ship-building, this matter will be left in the hands of one person, and that, therefore, it is to be assumed that but one man can be found to compete or bid for this service.

It might as well be said that every mail contract authorized by law to be made for the carriage of the mails is an offer of a subsidy. In almost all these contracts there is some person or class of persons who are in a position to take such contracts and enjoy peculiar facilities for the performance of the same, and because these persons possess such advantages does it follow that the awarding of the contract to them is giving them a subsidy? It might as well be said that the Pacific railroad companies are subsidized for transportation of United States mails, because no other company is in a position to perform that contract, or that the New York Central is subsidized because the transportation of the mails from Albany to Buffalo must be carried by that wealthy corporation.

But under the peculiar circumstances of these cases to which I have referred there is no possible chance of competition, while in the case of the Brazilian mail service, by this amendment it is opened to the free competition of all persons. The ocean is a great national highway and is free to all, and upon that highway the mails are carried under contracts made with the Government.

It is a humiliating spectacle that all these contracts for the carriage of mails is now with foreign-owned vessels. This proposition is to open to competition to all American owners this mail line and make it possible for United States owners to compete for this service. It is true, in my judgment, the maximum allowed in this amendment is much above any amount that I would suggest. But this objection is to a great extent obviated by the free competition that is provided for in this bill.

If it is important to have mail facilities opened with Brazil I can see no good reason why a proposition such as is contained in this bill should not be adopted. As a scheme to subsidize a steamship line for commercial purposes alone, I should oppose this or any other. I have, Mr. Speaker, uniformly voted in this House against all subsidies to individuals and corporations, and I have no purpose of changing that practice now.

I therefore leave out of question the direct effect of this steamship line upon commerce except so far as the increased mail service may increase commercial intercourse with the South American governments.

But, Mr. Speaker, in that aspect of this question I deem it important to the commercial interest of this country to have improved, direct, and rapid mail communication with that great and wealthy peninsula. This mail service, running as it does through all varieties of climate between the northern and southern temperate zones, and embracing the products of the torrid zones, the advantage of ready commercial intercourse and exchange of commodities, cannot well be overestimated.

With direct and speedy mail communication great commercial advantage can and doubtless will result to this country. It is certainly not to our advantage that European governments should enjoy superior facilities for communication with our South American neighbors.

That they do enjoy such advantages now is apparent from the fact that the carrying trade between New York and Brazil is now carried by the way of Liverpool and Havre, crossing the Atlantic twice, and making our commerce tributary to Europe at our expense.

I have said, Mr. Speaker, that this bill does not grant a subsidy. That there may be no mistake upon this matter I will read the provisions of this bill upon the subject of the Brazilian mail line:

(17) For ocean steamship service between the United States and Brazil, \$200,000; and the Postmaster-General is authorized and directed, after due public advertisement, to contract for a time not exceeding ten years for carrying the mails, once each month, commencing not later than July, 1879, from New York, by way of Norfolk, Virginia, to Rio de Janeiro, and once each month, commencing not later than March, 1880, from New Orleans, by way of Galveston, Texas, to Rio de Janeiro, and return, including appropriate intermediate ports, with the lowest bidders, being responsible owners, giving ample security, of first-class American built and owned iron screw-steamships of not less than three thousand tons, after the best modern models, capable of making thirteen nautical miles an hour; such mail carriage to be paid for at not exceeding \$30 per nautical mile per annum one way for the distance actually traversed between the termini of each of said routes: *Provided, however*, That the annual compensation for such postal service shall not exceed the sum of \$450,000 for each of the said lines: the two lines to be contracted for simultaneously, and neither contract to go into effect unless both services shall be contracted for and established according to the provisions of this act, neither contract to be considered in force if the service on either line be abandoned or discontinued, and the contracts therefor to contain all provisions for securing efficient service which may be customary or required by law in such cases.

I am aware, Mr. Speaker, that some of the metropolitan press subsidized in the interest of the British, German, and French steamship lines are prepared to hurl their denunciations upon any one on this floor whose judgment may lead him to vote for this proposition. But, sir, I must follow my own convictions of duty as a member of this House, and of course be held responsible to my constituents and the country for the manner in which I exercise that trust.

That responsibility I am ready and willing at all times to take without fear, favor, affection, or reward, or the hope of reward. If in the exercise of that duty I err in judgment, I must suffer the consequences.

Having thus briefly given the reasons that influence my action upon this bill, I shall not attempt further to discuss this measure, but shall content myself with voting for this amendment.

Internal Revenue Laws.

SPEECH OF HON. ALFRED M. SCALES,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 27, 1879.

On the bill (H. R. No. 4414) to amend the laws relating to internal revenue, and the reduction of the tax on tobacco.

Mr. SCALES. Mr. Speaker, there is much in the machinery of this bill that does not command the approbation of my judgment. Much of it I tried by discussion and amendments when first before the House to change, and much of it was accepted under protest. The controlling object of the bill was and is now the reduction of the tax on tobacco from twenty-four to sixteen cents per pound. It has been and is now bitterly fought by all the power of the Administration. The question before us is how can we best make this fight and accomplish the end? We cannot afford to lose and must win, even at a sacrifice. Acting upon this principle I, in common with the friends of the tobacco interest, have yielded much we would otherwise have warmly contested, believing that if we can secure the reduction asked for the other evils may hereafter be remedied.

But, sir, why should this bitter war be waged against the tobacco interest? It is said on the part of the Government that a reduction will bring about a large deficit in the revenues. I do not believe this can be a permanent result. The receipts may for a short time fall off until our people can adjust themselves to the new state of things, but not longer. The tax at twenty-four cents has crushed out competition and serves as a perpetual prohibition upon small capitalists; it confers the privilege upon the few, takes it from the many, and cuts off largely the production. Again, the present tax is so high that many evade it and justify themselves in so doing. They declare that the tax is oppressive; that all the profits go to the revenue agents and the Government and leaves nothing to them for food, shelter, or raiment; that self-preservation is the first law of nature, and if the Government will not protect them against such ruinous taxation they will protect themselves against the Government. I take this occasion to say that I do not sympathize and never have sympathized with any such conclusion. If a man cannot follow the business without violation of law, then he is bound, until the law is changed, by every consideration which should control a good citizen, to give up the business. But it is well known the law is evaded and thousands lost to the Government. Reduce the tax to a fair and reasonable amount, so that the citizen shall at least share the profits with the Government, and, while you will not prevent blockading altogether, I believe you will lessen the evil and add to the revenues.

If the tax is reasonable and the business can afford to pay it, then men will prefer the certain profit, though small, to a larger profit with the risks which violation of law always brings; the cry of oppression

will no longer be true and will cease to excite sympathy. A man who desires to do an honest, legitimate business will at once see to it that his goods shall not come in competition with those who pay no tax. His interest and that of the Government become identical, and he constitutes himself into a detective to put down an illicit business. These are the best agents in the world, and one of them is worth a whole regiment of such as usually roam over the country with warrants in their hands to search, seize, and arrest at pleasure, too often for their own profit. The one loves the Government because it protects him by laws so liberal that his interest and that of the Government are one. The other too often, unfortunately, loves the Government, if at all, because of the opportunity it affords to steal from and rob his fellow-men. This is a consideration of much moment in the successful administration at this time of our Government, and I trust due weight will be given to it. We are heavily in debt, the taxes are necessarily high and will cause complaint, but let the laws be just and equal, bearing on all alike, and let the taxes be so distributed that all will feel that though burdensome they are not oppressive, and all will be well; but disregard this principle, and then will come violations of law, hatred of Government, and, I fear, repudiation, together with all the evils which flow from them.

But it is said that tobacco is a luxury. If a luxury, it is a luxury of the poor as well as the rich; it is found in the cabin as well as in the palace. It is the only luxury the poor can afford. If taxed because it is a luxury, why not tax such luxuries as the wealthy alone can indulge in? Why not tax the manufacture and sale of expensive carpets, costly apparel, rich laces, and magnificent jewelry, pleasure carriages, fine houses with their wealth of furniture, tapestry, and rich and costly paintings? While these are exempt I trust a just Government will protect the poor man in his only luxury, his pipe of tobacco. Let him smoke in peace; let him smoke and chew in the consciousness that he is not wasting or absorbing the fruits of all his labor; let him smoke and be happy.

But it is not alone a luxury. It is a necessity to thousands who use it. It may not sustain life but it colors it. It crowns with new glories the life that is spent and adds new luster to the hopes of the future. It calms the excited nerves, soothes the restless spirit, is a companion in loneliness and a solace in affliction. In short, it is a necessity. It is a still greater necessity to those who raise and manufacture it. In many sections it is the only market crop. By its families are supplied with the necessities of life. By its children are educated and schools and churches built up and maintained. This, Mr. Speaker, is a great staple and its manufacture a great industry. Let it be fostered by the Government and not destroyed.

The taxes are very unequal in the different States, and are levied with no regard to wealth or population. The same may be said of the tax on brandy. If it is desired to crush out these interests because they are evils, do it by making penal laws so severe as effectually to put a stop to it, but do not cry out against these industries as evils and at the same time almost support your Government by them. In the last fifteen years we have collected from tobacco, spirits, and fermented liquors the sum of \$1,089,488,549, against \$222,095,878 from other sources. Of this, tobacco has paid \$386,048,363, spirits \$603,659,694, and fermented liquors \$99,780,492; and they in the aggregate pay more than four times as much as all other subjects of taxation. Yet this interest forms but a small proportion of the wealth of this country, which in fact pays nothing.

Admit, if you please, that there will be a deficit by a reduction of this tax. What is to be done? Reduce your expenses. Much has been done in this way since the democratic party came into power. Much can still be done. If this does not make up the deficiency, then tax incomes and the luxuries which alone are enjoyed by the rich. Let wealth pay her part. They have received much and are protected much; let them pay in proportion. I have at this session, Mr. Speaker, introduced a bill to abolish the tax on brandy. It has not been reported from the committee; but this must be the next step in reducing taxation upon industries. It pays now not quite one million annually, and can be easily dispensed with. I will not now enter into further argument on the subject, but hope I shall at an early day have an opportunity to do so more in detail; and I trust that, if not abolished entirely, it will be so much modified as to enable all, however poor, to utilize their fruits and add to their comforts and the general wealth of the land.

Supervisors of Elections.

SPEECH OF HON. C. C. ELLSWORTH, OF MICHIGAN.

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 25, 1879.

On the Southard amendment to the legislative, executive, and judicial appropriation bill to repeal the law for supervisors and deputy marshals of elections.

Mr. ELLSWORTH. Mr. Chairman, I have been greatly interested in the debate upon the pending amendment to the bill before the House. I have been pleased and pained by remarks made here.

Why, sir, we are just emerging from under the great, black cloud that has hung over our country so long, and our people are awaking to a new and glorious prosperity; and yet some men seem to care so little for the relief that is coming to us as to be willing to overthrow all our hopes that are so encouraging at this hour.

They seem to forget everything but the triumph of party. The country is rapidly adjusting itself to the changing condition of things, discouragement and gloom are drifting away from the face of the nation, and the dawning of a brighter and more hopeful day than has smiled upon this land for a long term of years is actually upon us; and all that is needed to bring peace, comfort, and happiness to our people is to let well enough alone. But this could not be, for the reason that party capital must be manufactured by the cry of elections controlled by the power of the Federal Government. This cry must be thrown in here at this hour of supreme hope, or the safeguards thrown around the ballot-box must be swept away at the command of democratic party leaders; even at the expense of the dawning prosperity that is cheering the souls of all patriots in the land everywhere.

This wild and reckless legislation must be fastened upon one of the important and necessary appropriation bills, to disturb and alarm the people. Sir, I cannot believe it is in the line of wisdom. It does seem to me, sir, that if there ever was a time in the history of the Republic when the statesmen of the nation should be careful how they step and what they do, it is now and here; and yet honorable gentlemen from the North and from the South talk as flippantly and as carelessly as though there could possibly be no danger whatever resulting from their action. Why, sir, we want a restored Union, a universal peace, one as wide as the domain of the Republic and as deep as the affections of the human heart.

The great want of to-day is universal confidence, a spirit of harmony that shall pervade every heart and every section, and control and give character to our national life. Sectional strife can do us no good, and I think the wise statesman and the pure and honest patriot will do nothing at such a time as this to awaken and keep alive and burning the bitter fires of party or sectional strife. There is no good to come from legislation that only disturbs the quiet and peace of the people and summons from the grave of the past sad and solemn memories; and for one, I regret such attempted legislation at this time. One of the grand men of the nation, a distinguished politician, soldier, and statesman, to whose words we all listen with delight on all unpartisan questions, has said, and I think truthfully, that any man who now seeks to make political capital by stirring up sectional feeling will find himself left behind as the great army of progress moves majestically on its way.

Who in this place did not heartily indorse that sentiment when it sounded so grandly over this Hall? Who here was not, as an American citizen, proud of the man who uttered it? And who among us then dreamed that so soon we should be engaged in such bitter warfare as we have seen to-day? If I know anything at all, this is not true statesmanship, and the people will denounce and condemn it. The man who will lend himself to the work of building up a political party at this time at the risk and expense of the peace and prosperity of the people will surely find himself forgotten by-and-by, and the darkness of political death will cover him over and hide him forever from the view of all parties. There is something grander and higher than any party, and the man who can never forget or make secondary his party when the welfare of his country demands it is a political tramp, and as a statesman, a fraud and a stench in the nostrils of the nation.

Why, I ask, is this unnatural legislation sought to be ingrafted upon the pending bill? Will anybody claim for a moment it is germane? Most certainly not. Will anybody pretend any honest patriotic man has been injured by it? Oh, no! Will anybody claim a single man in all the wide land by it has been prevented from honestly exercising the great American right of casting his vote according to the dictates of his own conscience? Does any man say a man in all that section of the Republic has been deprived of the right of the ballot by this law? No, nothing of the kind. Then, sir, why hurl this firebrand into this House just at the close of the session, and in such a questionable shape as to prevent the passage of the necessary bill, unless it shall be accepted by the republicans?

Sir, has there been any great pressure from the people anywhere demanding it? I answer no.

Why is it, then, that the long-prayed-for peace and prosperity coming to us, and already around us, must be disturbed and threatened with overthrow, and our whole land alarmed at this new and uncalled-for legislation? I ask men from the South, the good men from the South, the patriotic men over the way, to sound a halt upon this reckless legislation and let the country breathe peacefully; let the growing confidence of the people receive no check. This legislation is not called for; not now, at least; not demanded by any necessity looking to the welfare and happiness of the people. Nobody has been injured by this law sought to be blotted out, who was in the way of duty. Nobody demands its repeal for the reason that it bars him from any just and honorable political right. Let it alone; it can only result in harm. Let it alone; the agitation of its repeal has already alarmed the North. Men and money are sensitive, and nothing should be done to rebolt the doors of the money vaults. We want the round dollars and the greenbacks, too, to come forth to the light of day; to set in motion the rotting wheels and the silent spindles; to

relume the extinguished fires in all the cold forges of the land. The North wants the money and the South wants the money, and the West wants it. Then let disturbing questions alone and we shall have it.

There is no reason for this wild work at the close of this Congress; no great demand of the people calls for it; no interest in the line of good government requires it; no part of the people can want the supervisory election laws repealed unless such people are in the way of fraud and wrong and usurpation and tyranny.

You know, my friends, that the laws you seek to repeal are in no man's way anywhere who only desires the use of the ballot-box in the way of honesty and good government. I know we have been told here that it is used to control elections in the South, but that is folly; the world knows better. We have been told here, too, that the Army was used to control elections in the way of preventing an honest and untrammelled vote of the South, but the truthful pen of the historian has made a different record, and the reading world has read it, and it is too late to make anybody believe that the Union soldier has been used to overthrow the ballot-box.

It is too late to make the world believe that the supervisors of elections or the officers of the Government have prevented a fair and honest vote anywhere in all the land. And it is too late to make the reading world believe that with an honest and untrammelled vote at our last general election, the republican party would not have carried overwhelmingly South Carolina, Florida, Georgia, Alabama, Mississippi, Louisiana, and Arkansas. History has settled in the minds of men everywhere this great question of wrong and outrage. And yet you will still persist in claiming this last simple protection to the voter be stricken down. And if you do it, it is useless to say to the North it is done in the line of economy. Yes, economize, forsooth, and in the interest of a free and unfettered ballot. Nobody in all the wide world who reads the history will believe it for a single moment.

Now, sir, I am not one of the men constantly decrying the South; I am not one of the men who can see no good in southern men; I can and do see much to admire and much to love in many of the gentlemen from the South whose acquaintance I have made in the Forty-fifth Congress. I have come to love some of them as I do my own brother, and would trust them with untold money or with my life, and I beg of such men, I beseech them to rise above the partisan cry of the hour and stand for our country, for God, and truth, and let the smaller men, if they will, sink the man and the patriot in the politician.

I know and all men know that an institution whose whole life and spirit was at war with the genius of republican government led on to the great rebellion which made your sunny South a desolation and covered it over with graves. I know and all men know that the rebellion was the result of slavery and the education consequent upon the existence of the institution in our country. I am willing, sir, to concede the fact that with the same teaching, the same education, and the same climate we should have done as the South did, and you would have done in our situation as we did; but we are better acquainted now, and we ought to be much wiser. Have we learned nothing from the bitter, wretched past? Can we not learn now to trust each other and forever extinguish the fires of sectional prejudice?

Why, sir, the gentleman from South Carolina [Mr. AIKEN] glories in a solid South. What does a solid South mean, sir? What will result from a solid South? Do gentlemen dream that the great North and West will remain divided when the South is fully solidified? If so, they are dreaming wildly, and their dreams will never come to pass. A solid South means a solid North. And what does that signify? Unrest, national disquietude, and constant alarm and disturbance of the public mind. And what does that signify? Doubt, uncertainty, stagnation in business, death to the great industries of the land, North and South, East and West—the slowing up of the wheels of business just now revolving again so rapidly. Who wants all this brood of woes? On whose political heads will the curses fall if they shall come upon the people again? The eloquent gentleman from Louisiana said early in this Congress, when addressing his friends from the South when they were attempting to attach a provision to the Army deficiency bill, that no part of the Army should be used in the South; that if they would be trusted, they must trust; that if they would have the North believe in them, they must believe in the North. These were grand and noble words, but have they been heeded? Has that wise counsel been regarded in the least?

I think there are interests that are of more moment than the building up of any political party, and I beg of the good men in this House, from the North and from the South, to come to the front and stop for once this political legislation and attend to the wants and interests of the people. I ask you to come to the front and condemn this attempt to load down one of the important appropriation bills now, just at the close of this Congress, with political legislation that no valuable interest of the country demands.

The country cannot afford to be arrested on its onward march in the path of prosperity by this wicked work for party triumph, and whoever attempts to hold the wheels of business now will find his political arms dislocated or his political neck broken on the great wheel of public opinion.

We were told the other day by the great leader of the democratic side of this House that the democratic party had right-about-faced. And really I expected after that statement of the distinguished chief-

tain of the forces over the way that all this sort of work would be discontinued. I did indulge in the hope at least that the sham cry of reform and economy would be sounded no more until it should signify more than it ever has with the democratic party. I did hope that no more appropriation bills would be loaded down with such riders as this; but I was mistaken, and find I am to be disappointed. It is true it is full time the democratic party should right-about-face, and we had a right to hope it would after such a declaration in presence of the House.

It is true that the democratic party has done too many wicked and foolish things to ever be entitled to the confidence of the country until it shall right-about-face and repent of much of its written history. It must go back on its record made at Chicago when it declared the war a failure, and go back upon its record when it opposed the issuing of greenbacks, and opposed the draft, and opposed the constitutional amendments, and ridiculed the murder of men in the South for political opinions, and many other things too numerous to mention in this connection. It must right-about-face, and the great democratic leader of the House can see the writing on the wall, and we hope he will be able after a while to call in his pickets and correct his warfare so as to win the confidence of the country; and right here and now is a good time for the party to take the right direction and give its attention to the legislation the country needs, and leave out of the question all such acts as can only result in alarm and disturbance.

We have a right to resist as best we may such legislation as is attempted here. We have the right to let the democratic party take the whole responsibility of repealing these laws made for the protection of the voter, and I trust we shall do so. If our democratic friends court the reputation for fairness in legislation they will gain in obtaining legislation of this kind in this manner, then let them have the whole and undivided honor of it, and the time will soon come when it will be condemned so fully and emphatically that a lesson will be learned that will not be soon forgotten. The American citizen on the average is not a fool, and he will understand this conduct of the democracy and act accordingly. Nothing can be more certain in the future than such a result. This country must protect its people at home as well as abroad, and it will do so, or the Republic will die.

This law was designed to protect the citizen in the inestimable privilege of casting the free ballot; that is all; nothing more and nothing less. Frauds are perpetrated, elections overthrown and controlled by wicked and vicious men at more than one place North and South, and American freedom demands that the people be taken care of and that their right to the free and untrammelled ballot be assured to them. Who will say nay to such a proposition? Who dare proclaim himself opposed to such a proposition? Whoever will oppose the guaranteeing to the American citizen, everywhere and always, the right to vote freely as he may choose, let him boldly proclaim it to the world and take the consequences of such action; and the verdict of the people will be rendered after a while, and some men will be surprised and overwhelmed.

Supervisors of Elections.

SPEECH OF HON. A. M. SCALES,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 25, 1879,

On the amendments offered by Mr. HERBERT, of Alabama, and Mr. SOUTHWELL, of Ohio, to the legislative, executive, and judicial appropriation bill, intended to secure free elections and fair trial by jury.

Mr. SCALES. Mr. Chairman, this is a proposition to ingraft upon an appropriation bill an important and as many think a vital amendment. Is this amendment proper, and should it be urged by its friends? To solve these questions in accordance with the strictest propriety and from the highest sense of duty should be the aim of all. To do this we should first ascertain whether the amendment is germane and allowed by the rules of the House. Fortunately for us this question has been adjudicated time and again; it is founded upon many precedents, none of which have ever been overruled by the House, the court of last resort in such matters.

If, then, it is germane and is sanctioned by the rules and the unbroken practice of the House, no wrong is done to anybody by its introduction. On the contrary, whoever introduces it, if he does so from convictions of duty, as I doubt not this was done, then he dare not decline to bring it forward in its proper place and to insist upon its adoption. When introduced, it then depends upon a majority of the House to adopt or reject it. If adopted, or if apparent that it will be adopted, if voted upon, then those who defeat a vote by dilatory motions are guilty of revolution and are, in defiance of law, thwarting the will of a majority in a matter properly and legitimately before the House. This is revolution, and there is no other name for it; and yet, strange to say, it is urged here with more zeal than sincerity and, I might add, than discretion, that it is revolution to introduce the

amendment and an aggravation of the wrong that the majority should insist upon its adoption over the will of a minority. Such action is not creditable to fairness, justice, or patriotism.

Place it upon the highest ground for both sides. One side, from principle alone, insists upon the amendment; the other side, equally actuated by principle, oppose it. How is it to be settled? There is but one legal mode, and that is, let the vote be taken: let the majority decide it. Will any one contravene this? Dare any one throw himself in the way of this great principle? It is said that such amendments should not be placed upon an appropriation bill; that such a bill is intended to provide the means for running the machinery of Government under existing law, and that no amendment should be offered which may have a tendency to defeat the appropriation. This in matters of ordinary legislation, with no vital principle involved, may be true; not that an amendment within the rules could not be offered, however trivial, but that no one for a trivial matter would be justified, even though in the right, in hazarding the appropriations.

The failure to make the necessary appropriations would be a calamity. It would stop the wheels of government and insure an extra session, and I might not stand out even against a minority if the amendment was not important; but if the amendment is vital, as this is known to be, then he who moves it is bound by his convictions of duty to the Government, to his constituents, and to himself to press it. If resisted, and the appropriation bill is lost, upon whom is the blame? There can be but one answer, and that is upon the minority, who, by unwarranted delays and revolution, seek to thwart the will of the majority.

The gentleman from Maine in a speech a few days since threatened the House that unless he and his friends could have their way about this thing they would resist to the utmost, even to the point of defeating the appropriation bills. I hope no gentleman on this side of the House will take any such position. We press the amendment because it is a vital principle, and we have the right to do it. I do not say that a minority is never justified in thwarting the will of a majority, but it should be only in rare and extreme cases; but even then it is revolution, and they should be sure of their ground or it will, as it should, meet the just condemnation of the people. These amendments involve the freedom of elections, the efficiency and fairness and impartiality of jury trials. They have been established after many years of struggle, through seas of blood, and at immense sacrifice of life and money. Shall they be surrendered in a moment and without a struggle by the majority to the minority?

The majority ask for it under the forms of law and in strict accordance with the rules of the House. The minority resist against both. We do not desire to withhold appropriations. We are most solicitous that they should be made. We make no threats to the other side that we will defeat them; but we do say that we have the right to offer the amendment, that it contains a principle as dear to us as the Constitution, for it is a part of it—as dear as our lives, our liberties, and our fortunes, because they are all involved in it. Here we stand, and here we expect to stay until a majority shall vote us down. When it does, we at once surrender; but until then we shall remain steadfast. This is the issue. We will go before the country and stand or fall by it.

The question must be decided by the majority in accordance with the law of the land, and it can be decided in no other way except by revolution and we in turn warn all good men against it. We know what it is to resist the Government. Our wasted fields, our desolated homes, our ruined cities, the carnage of five years of war, and the oppression and probation of ten years of peace tell how much it cost us. Let us learn a lesson on both sides; let us submit to the will of the majority legally expressed, and all is settled. This is my rock, my high tower, my fortress, and all the storms of revolution cannot drive me from it or batter down the fortress.

But then it is said that when it goes to the Senate the party that was in the minority in the House will be in the majority there. So let it be. I trust the Senate minority will not interfere with the rights of the majority. What then? A majority of the Senate is on one side, a majority of the House on the other. What must be done? There must be mutual concessions, and as the result there will be a fair and equitable compromise. This settles the question, gives the appropriate means to execute the laws, stops angry debate, both sides will be satisfied, and the country will approve.

Mr. Chairman, I have since my entrance into Congress kept steadily in view the harmony, peace, and happiness of the two sections of this Union. I desired to illustrate, so far as I could by my conduct, the good faith and sincerity of the South in her return to these Halls of Congress, and the earnest desire of all good men of the South to hush forever the passions and prejudices engendered by the war. For my course in that war I have no apology to make. I seek none from our northern friends. Both acted from their stand-point of duty. History, when the passions of war have subsided, will decide the right. With that I am content. We are now one Government, let us be one people; let us now and forever ignore sectional issues, and let us address ourselves to the great work of restoring the Union in heart and soul.

The South has in many respects been grievously treated. There is a conservative Union element at the North that is to-day, has been, and will be, for peace and concord. I would do nothing to offend or prejudice that element; I would make any reasonable sacrifice to

them; I would respect their prejudices as I believe they respect mine; I would avoid the very appearance of evil, and therefore would hesitate to take any step which even looked like revolution. But I know they would not have a Representative sacrifice a great principle—one as vital to the North as the South. I believe the people of this country, independent of party, want and will have free elections, so that the Government will stand upon the free unbiased choice of the voter. I believe the people of this country want and will have trial by jury, fair and impartial, and woe be to him who puts himself in the way of it.

Investigation of the Government Printing Office.

SPEECH OF HON. T. W. BURDICK,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 27, 1879,

On the report of the Committee on Public Expenditures.

Mr. BURDICK. Mr. Speaker, a few days since I submitted to the House some general remarks on the subject of the public printing and binding. To-day the Committee on Public Expenditures through its chairman, the gentleman from Missouri, [Mr. HATCHER,] have submitted a report of an investigation ordered by the House in reference to the public printing and binding. I do not concur with the majority of said committee in the conclusions reached, and confining my remarks to-day more particularly to the subject of the investigation I will endeavor to give some reasons why I cannot concur in the said report and show wherein in my judgment the conclusions of the committee are erroneous, and why they ought not to be adopted by the House.

THE INVESTIGATION COMMENCED AND HOW CONDUCTED.

On the 26th day of March, 1878, the Committee on Public Expenditures entered upon an investigation of the public printing and of the management of the Government Printing Office. The investigation was closed on the 27th day of January, 1879. Testimony was taken by a subcommittee of which the gentleman from Ohio [Mr. FINLEY] was chairman. Experts were employed to examine the Government Printing Office, the materials on hand, and the books and accounts of the Public Printer. The witnesses called before the subcommittee, and whose testimony was taken and reduced to writing, were the Public Printer, who was examined at great length; the foreman of the office, the financial clerk, officers of the various Departments of the Government for whom work is executed, contractors who supply the office with materials, and many others. The inquiry was particularly directed to the discovery of abuses and the exposition of frauds, if any should be found to exist as suggested by the resolution of the House directing the inquiry to be made.

If the object of the investigation had been to charge the Public Printer with extravagance in the management and conduct of the office, and to arraign the present system of executing the public printing as being more expensive than the contract system, then just such testimony would be adduced as was sought in the direct examination of the witnesses by the chairman of the subcommittee.

The transactions of the Public Printer from the establishment of the office in 1861 to the present time were inquired into. The receipts and disbursements for sixteen years, amounting to more than twenty-five millions of dollars, were reviewed. Proprietors of private establishments who testified that the system of executing the public printing at the Government Printing Office was prejudicial to their interests were called upon for estimates and their judgment as to the economy of the present system. In addition to this, persons who had been discharged for various reasons from the employ of the Government in the Printing Office, and were reported to be unfriendly toward the officers in charge, were sought out and their testimony taken. I have mentioned these facts merely for the purpose of showing by inference the object of the investigation, as well as the manner in which the same was conducted. The investigation was a voyage of discovery.

The defense of the present system of executing the printing and the vindication of those under whose supervision the same has been executed rest on the testimony, so far as this inquiry is concerned, brought to condemn.

MR. DEFREES'S FIRST ADMINISTRATION.

Among other facts established by the investigation, I call attention to the following:

During an administration of the office of the Superintendent of Public Printing by the present incumbent, Mr. Defrees, for eight years, during President Lincoln's administration, though large sums of money were disbursed for printing and binding, not a single instance of peculation, of malfeasance, or wrong-doing has been discovered. Every dollar of money coming into the hands or under the control of the Superintendent of Public Printing appears to have been properly and duly accounted for. No abuse or irregularity in the conduct of the office appears to have existed or been permitted.

It was during this administration that the present system was inaugurated and organized.

ABUSES UNDER THE CONTRACT SYSTEM.

Some of the evils of the old contract system sought to ingraft themselves upon the new system. Frauds had been perpetrated against the Government under the contract system, and notably in the case of printing and distributing the Post-Office blanks. These frauds involved the contractor for printing the blanks; the contractor for the paper required therefor, both of whom resided at Buffalo, New York, where the printing was done; two blank agents, and officers in the Post-Office Department, and a clerk in the Government Printing Office.

These frauds were developed after the Government Printing Office was established. The Public Printer was in no way responsible for or connected with them, though an effort was made to so connect him. The frauds were discovered, and restitution in part, if not entirely, was made to the Government by the parties implicated. These frauds commenced in 1860, prior to the establishment of the Government Printing Office. The detection and restitution occurred a few years later. A statement of the facts in detail appears in the testimony taken.

MR. CLAPP'S ADMINISTRATION.

The further fact appears established that during the eight years' administration of the Government Printing Office by Mr. A. M. Clapp, Congressional Printer during the administration of President Grant, the office was successfully and economically conducted. The printing was executed in a highly satisfactory manner. An unusual amount of printing and binding was ordered by Congress during Mr. Clapp's administration. The receipts and disbursements were in consequence thereof large. No charge is made that the work executed at the Government Office was not promptly and neatly executed. The testimony shows that all property coming into his hands was duly accounted for. On this point Mr. Defrees, the successor of Mr. Clapp, testified before the committee that when the office, stock, and machinery were turned over to him an inventory was taken, the books were examined, that no errors were discovered; and, when asked as to the correctness of the inventory, said, "I have no doubt of its correctness."

The account of receipts and disbursements was kept by the First Comptroller of the Treasury, with whom the Congressional Printer was required to account, settle, and file the proper vouchers for disbursements made. A full settlement of his accounts was made when he retired from office, and all moneys coming into his hands were duly accounted for. In support of this statement, I will read the following letter of the proper officer of the Treasury Department who has charge of these accounts and charge of the vouchers on file:

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,
Washington, D. C., February 7, 1879.

SIR: In reply to your letter of January 31, 1879, in relation to the accounts of A. M. Clapp, late Congressional Printer, referred to this office on the 5th instant by the honorable Secretary of the Treasury, I would respectfully state that all his accounts have been settled and properly balanced, as appears by the books of the Department and the vouchers on file in the same.

Yours, respectfully,

A. G. PORTER, Comptroller.
H. B. B.

Hon. T. W. BURDICK,
Of Committee on Public Expenditures.

So much for the administration of Mr. Clapp.

THE OFFICE SYSTEMATIZED BY MR. DEFREES.

The investigation established the further fact that a complete system for the conduct of the office was inaugurated and ordered by Mr. Defrees when he became Superintendent of Public Printing in 1861; that the work of the office has so increased since then that a much larger force is required, and the system has been necessarily extended, enlarged, and perfected.

The greatest order prevails in the office and in the manner of executing work. Books of account are kept, showing the progress of the work done in minutest detail.

The plan of organization, the manner of keeping these accounts, and the process by which each job of work is executed, will appear from the testimony. And on this subject I append extracts from the testimony marked Exhibit A.

THE COST OF LABOR.

One large item of expense to the Government in the execution of the printing and binding is what is paid for labor. The pay-rolls show that more than sixteen hundred hands are employed during the session of Congress. These are employed by the Public Printer.

The price for composition and the wages for book-binders are established by law. Much of the work in the office is done or paid for by piece-work. Many of the employes under this rule make but from ninety cents to \$1.20 per day. In these cases the prices are fixed by the Public Printer, and they are exceedingly low. He does not pay extravagant prices for labor.

The division of labor in the office is wisely made with a view to getting the greatest amount of work done for the least sum of money. While I say the wages paid employes of the Government Printing Office are not extravagant, but reasonable, yet I am well aware that a reduction in wages might be made, and other laborers, if not the same, secured. At the present time in the city of Washington there is a great surplus of labor seeking employment. Men and women by the hundred and thousand can be found at the present time who would willingly work for little more than the bread required to sustain life.

They say they will work for wages that will but keep "the wolf from the door." Shall the Government in order to reduce the cost of the printing take advantage of the necessities of those people in distress and reduce to starvation prices the wages paid for the labor it employs? This would not be economy, it would be oppression.

No, Mr. Speaker; for shame on such economy! The Government should hold to strictest accountability its public officers in the disbursement of moneys, execution of trusts, and performance of official duties, but it should pay reasonable compensation for the labor it employs. If this system of paying the least sum for services of officers and employes of the Government that would be preferred to discharge by those employed were to be adopted, where would the end be? Commencing with the President of the United States: might not some one be found who would accept that office for a less salary than \$50,000? Might not men be found who would serve as Members of Congress for less than \$5,000? Might not men and women be found who would toil and labor from "early morn till the sun goes down" in the various Departments of the Government for a less sum than is now paid? If so, does this fact warrant the conclusion that it is extravagance to pay the present salaries and wages? Such is the reasoning of the majority of the committee on the testimony relating to the management of the Government Printing Office. "The laborer is worthy of his hire." The Government should not, to replenish its Treasury, pay less than reasonable prices and wages for labor.

It is here, and here only, that it appears a saving to the Government can be made in the management of the Government Printing Office. I am frank to say that under the present distressed and helpless condition of labor men and women can be employed to work in the Government Printing Office for less wages than are now paid. This difference would be a saving. It might aggregate large sums annually. Some of those employed would go; others in greater distress would take their places. No; this would not be economy. The Government now pays as low, if not lower, wages in the department of public printing and binding as in any other department of the Government. Economy in labor is enforced in the management of the office. The fact that high wages are not paid is established by the testimony of witnesses not connected with the Government Printing Office, nevertheless competent to judge. There is testimony showing how the hands are employed, the wages paid, and how the labor is directed; and it so fully confirms the statement that in the employment of labor the strictest economy is observed that I make extract therefrom. I append extracts from the testimony of several witnesses on this subject, and ask that it be printed as Exhibit B.

THE COST OF MATERIALS.

Another considerable item of expense in obtaining the printing and binding is the money paid for the materials consumed. The testimony taken shows the manner in which these purchases are made. Under the present system the law requires the Public Printer to make estimates of the amount required annually or from time to time. This being done advertisement is made and proposals invited. The bids, when received, are opened by the Joint Committee on Printing, by whom the contracts are awarded to the lowest and best bidders. The standard of paper to be supplied for the various uses of the Government in the Printing Office is established and fixed by the committee, and the paper proposed to be furnished must conform to the sample, or the bid is rejected. In this manner the Government receives the benefit of spirited competition and the materials are purchased at extremely low rates and prices.

The testimony relating to the purchase of inks is so full and complete that I will refer to it as an illustration of the method of making purchases of materials. The present contractor of inks resides in New York city. He was called before the committee and examined. It appears that when he obtained the contract there were fourteen bidders. He has been engaged in the manufacture of ink for thirty years, supplying many of the largest printing establishments in the country, and he says the Government has a very favorable contract; that it is using ink of an excellent quality and purchases it at a low price, lower than outside parties can obtain it. The testimony shows so clearly and conclusively that economy and good judgment are used in the purchase of materials consumed, and that the accounts of the same are kept in detail, that I will refer to an extract from the same which will appear in Exhibit C. One of the great opportunities for defrauding the Government under the contract system arose through the supply of the materials used. The inducement to the contractor to supply an inferior quality of paper was so great that dissatisfaction was caused in the quality of work done, and the Treasury was too often defrauded. Under the present system there can be no such inducement. The Government fixes its own standard of materials to be used, buys them where they can be obtained the cheapest, furnishes its own labor to execute the work, and thus obtains its printing at the lowest possible cost commensurate with good work.

THE PURCHASE AND USE OF MACHINERY.

A remaining item of cost in the execution of the printing consists to some extent in what is paid for machinery in the office. If frequent and injudicious changes were made in the machinery the cost of the printing might be augmented thereby. This matter was inquired into, and the fact appears that the present Public Printer is not disposed to make frequent changes in machinery. It is well known that to execute good work rapidly and at low cost good type, good presses, good machinery, as well as good materials, are required.

The foreman of the bindery, a practical man of large experience and thoroughly posted in all matters pertaining to the execution of the public printing and binding, when interrogated as to the inclination of the Public Printer to purchase new machinery, said:

I think he is decidedly in favor of improved machinery when he believes it will effect a saving. If he should not purchase new machinery he would be behind the times and his work would cost him a great deal more.

Instances of great saving of expense and cost were shown by the testimony. The instances to which I refer were developed for the purpose of showing unnecessary expenditure of money in the purchase of costly machinery. But when all the facts appeared it was conclusively shown and demonstrated that these purchases were judicious and wise, and that it was the greatest of economy to make the purchases in that they reduced the cost of the public printing and effected a great saving to the Government. One of these instances was the purchase of a press for the RECORD. This press does the work of six of the old Adams presses and requires five less hands to operate it than did the presses it displaced. The cost of the press-work on the bound edition of the RECORD was thus reduced about two-thirds.

The testimony on this subject is so conclusive that I append an extract, (Exhibit D.)

THE CHARGE THAT THE PURCHASE OF THE WIRE BOOK-SEWING MACHINES WAS EX-
TRAVAGANCE, EXPLODED.

Another instance of charged extravagance on the part of the Public Printer rested on a purchase of certain wire book-sewing machines recently purchased for use in the Government Office from the manufacturers in Philadelphia. These are new machines and a new invention. Before making the purchase the prudence and caution of the Public Printer induced him to have set up in the office one of these machines and the same to be thoroughly tested and tried. After a thorough trial, the Public Printer becoming satisfied that the machine was labor-saving to an astonishing degree and completely successful, he ordered the purchase of nine machines at a cost of \$1,500 each. This purchase has been fully investigated. The manufacturers from Philadelphia were called before the committee. The testimony, instead of establishing the fact that the purchase of these machines was a useless and extravagant expenditure of money, showed the fact to be that each of these machines would fully pay for itself in one year by the saving it would effect in the bindery department. This is not an exaggerated statement. The testimony taken confirms it.

A correct account of the work done on these machines since their purchase has been kept. This account shows not only the amount and kind of work done, but it also shows the name of the operator of each machine, the amount paid such operator, and it is easy to estimate what the same work would cost if done by hand.

An exhibit prepared and sworn to, covering the period from October 10, 1878, to January 1, 1879, shows that these nine wire book-sewing machines effected a saving to the Government during two and one-half months of over \$3,500. This is such a striking example of apparent extravagance, yet of actual and great economy, that I ask attention to the testimony. The fact that \$13,500 was paid for nine book-sewing machines for the bindery might lead to the inference that it was an unnecessary outlay, in that it seems a large expenditure. The result shows that they do the work of fifty hands, and should not be dispensed with for any consideration. The testimony further shows that the machines do better work than can be done by hand, are easily and successfully operated, and do all kinds of work.

The Public Printer acted wisely, for the best interest of the Government, and is fully justified in the purchase of this machinery.

The exhibits and extracts from the testimony are marked E. I omit the detailed statement of work done upon each machine, but give the summary report.

THE QUALITY OF WORK DONE AT THE GOVERNMENT OFFICE.

Testimony was taken touching the character of the work done and the quality of the materials used. I quote briefly from the testimony of witnesses called by the chairman of the subcommittee:

Louis Brush, of Buffalo, New York, an expert, said he had been in the printing business twenty-four years; had been superintendent of the Franklin Printing House at Buffalo, New York, six years, and of the Hutchins Printing House at Hartford four years. When asked as to the character of the binding done at the Government Office, said:

I think they do very nice binding here, taken as a whole.

Of the materials used, he said:

I would say of them generally they were good.

Of the discipline in the office, he said:

As far as I have seen, the discipline was good.

Mr. Brush was in Washington on business connected with the investigation, and inspecting the Government Printing Office ten or twelve days.

Hon. Ellis Spear, late Commissioner of Patents, then in office, for whom much work is done, when asked as to the manner, style, and quality of work done, said:

It is well done.

Mr. M. D. Helm, foreman of the Republican office, in Washington, testified, in reply to a question as to what kind of work was done at the Government Office:

Very fair-class work, sir; they have the best material, and what time necessary.

Of the discipline, he said it was—

Good, especially in the printing department; it was never better.

George W. A. Knapp, chief clerk of the Postmaster-General, in reply to the question, "What is the character of the work done, ordinarily, by the Government Printing Office," said:

Very good, indeed. I do not think it could be done so well or so promptly anywhere else.

Testimony of this character could be multiplied.

There can be no question but that the work done at the Government office is well done, and discipline, order, and system are required and prevail.

As showing that general satisfaction is given by the Public Printer, as to manner of execution and quality of work for the various Departments of the Government, I will have read one of several testimonials on this subject, and will append others of a similar nature, and ask that they may be printed. Others might be offered if deemed necessary to establish the fact that the printing and binding is promptly and satisfactorily executed at the Government Office. I now ask to have read a letter from the Auditor of the Treasury for the Post-Office Department:

OFFICE OF THE AUDITOR OF THE TREASURY
FOR THE POST-OFFICE DEPARTMENT,
Washington, December 17, 1878.

SIR: In reply to your letter of the 16th instant, I have the honor to state that the quality of the material and the style of the work in the books and blanks furnished to this office by the Public Printer are good, and entirely satisfactory.

Respectfully,

J. M. MCGREW, Auditor.

Hon. T. W. BURDICK, House of Representatives.
NO ABUSES DISCOVERED.

The majority of the committee say there should be a change in the present system of executing the public printing, inasmuch as it appears that "the Public Printer, under the present system, can by collusion with contractors furnish a voucher for a greater amount of paper or material received than there was in fact delivered." In other words, it is said that because the Public Printer could, if so disposed, render false vouchers and obtain money from the Treasury to which he was not entitled, though at the expense of the great crime of perjury, therefore the Government Printing Office should be practically abolished. What logic! Is there any trust that may not be betrayed? The present investigation, searching as it has been, covering a period of seventeen years, has discovered not one instance such as the majority of the committee say might occur and on which supposed case the present system is to be condemned.

There is not a pretense that a false voucher has ever been used in this department. If there should have been, or should be, the present system protects the Government by an ample bond executed by the Public Printer.

REPORT ON FORESTRY—THE PUBLIC PRINTER'S ESTIMATES THE LOWEST.

If the position taken by the majority of the committee that the present system of executing the printing should be condemned because of supposed abuses that have never occurred be untenable, what shall be said of conclusions resting on erroneous statements of testimony? I call attention to an instance of this in the carefully prepared report of the majority of the committee. In the report of the majority concerning two bids made for the publication of a document called "Reports on Forestry," one by the Public Printer, and one by J. A. Wagoner, a commercial printer of Philadelphia, the majority of the committee say:

From the estimates received about the same time, the proposal of Mr. Wagoner, it appears, fell below that of the Public Printer nearly \$500 for the first thousand and over \$100 on each additional thousand copies, or nearly \$35,000 on the whole job.

It is asserted that the estimate of the commercial printer of Philadelphia, for publishing three hundred thousand copies of the Report on Forestry is \$35,000 less than that of the Public Printer. In other words, that this number of this document could be procured by Congress by contract for \$35,000 less than it costs at the Government Printing Office. The majority of the committee state these to be facts, and refer to the testimony, a part of which is incorporated into and adopted in their report. Do they correctly represent the testimony? On page 347 of the printed testimony, in a letter from Wagoner, dated January 26, 1876, (1878,) appears the bid of this commercial printer, as stated by the chairman of the subcommittee. It is as follows:

For the first one thousand copies, using forty-five pound paper:	
For composition.....	\$275 00
For stereotyping.....	360 00
For press-work.....	85 00
For paper.....	187 29
For binding.....	125 00
Total.....	1,632 29

Wagoner estimates the total cost of the first one thousand copies at \$1,632.29.

On page 348 the chairman states the estimate of Wagoner for the additional copies at \$397.25 for each one thousand copies.

Now, what is Wagoner's estimate for 300,000 copies of this document? It is this:

For the first 1,000.....	\$1,632 29
For each additional 1,000 at \$397.25, say 299,000.....	118,777 75
Total.....	120,409 95
Making the total cost of 300,000 copies of the Report on Forestry.....	120,409 95

Now what is the estimate made by the Public Printer for the same work and which the majority of the committee say is about \$35,000 in excess of Wagoner's bid? It is this, and I refer to the testimony. On page 346 appears the estimate of Mr. A. F. Childs, chief clerk of the Government Office.

For the first 1,000 copies, forty-five pound paper:	
For composition	\$960 00
For stereotyping	400 00
For press-work	150 00
For paper	179 55
For binding	130 00
Total	\$1,819 55

His estimate for the first 1,000 copies is \$1,819.55. For each additional 1,000 copies, \$459.55, provided, and I now quote the language of the witness:

Should this work, as well as the Report on Forestry, be ordered in large quantities, if worked on the Ballock press the cost could be reduced at least 25 per cent.

And on page 347, when asked if his estimate was based upon a quantity of from 100,000 to 300,000, said: "That was, I believe, the inquiry in the letter sent me."

Now, what would the work cost under the Public Printer's bid?	
The first 1,000 copies would cost	\$1,819 55
Each additional 1,000 copies would cost \$459.55, less 25 per cent., which is \$344.66½ per 1,000, or for 299,000	103,054 09
Total	104,873 64

making the total cost of 300,000 copies under the bid of the Public Printer, \$104,873.64.

This is the testimony. These are the two bids:	
J. A. Wagoner's bid	\$120,409 95
The Public Printer's bid	104,873 64

Difference

showing a difference in favor of the Public Printer of more than \$15,000, and not a difference of "about \$35,000" in favor of Wagoner as stated by the majority of the committee.

If they are so mistaken in their figures, may they not be mistaken and wrong in their conclusions?

It will be observed that the contractor proposes to execute the first 1,000 copies at an exceedingly low price, but he makes it up on the additional copies.

GOLD-LEAF.

A word as to the "waste gold-leaf." In the binding department what is known as gold-leaf is used in gilding the titles of documents and designs on book-covers. This is applied by hand, and what does not adhere to the letters and designs is brushed off and becomes what is known as "waste gold-leaf." The committee say there is annually expended for gold-leaf from six to ten thousand dollars. The testimony does not show the precise amount purchased annually, as no reference was made to the Public Printer's books for the purpose of ascertaining the amount. The amount is probably about \$7,000.

There is "gold-leaf" and there is "imitation gold-leaf;" there is gold-leaf of greater or lesser purity. The value of the waste in gold-leaf consists in the amount of pure gold obtained by melting and refining the atoms and dust brushed off. To save this requires much care and considerable time and labor; so much that in many establishments where greatest economy prevails this waste is either not saved at all, or, if saved, is given to the finishers for their pains and labor in saving it. The testimony shows that in the extensive publishing house of J. B. Lippincott & Company, of Philadelphia, it is the custom to allow the finishers to have the waste. The committee say about 50 per cent. of gold-leaf used is brushed off as waste. They seem willing that the inference should be drawn that 50 per cent. of the value is "waste." The fact is, the value of the waste as compared with the original cost of the gold-leaf is insignificant. In the Government Printing Office great pains are taken to save all the waste gold-leaf. The dust and atoms brushed off in finishing are gathered by use of a rag or rubber and sold to the refiner, and the proceeds covered into the Treasury. As showing the relative value of "waste gold-leaf" to original and unused gold-leaf, I refer to the testimony of J. H. Roberts, foreman of the bindery. On pages 475 and 476 appear the receipted bills for two packs of gold-leaf purchased as "gold-leaf," and for the identical gold-leaf sold as waste to the same party from whom purchased. The cost or value as gold-leaf was \$13.70. The proceeds of the sale of the same as "waste" were \$2.10. This shows the relative value of gold-leaf to same quantity of gold-leaf as waste, except that in this instance the waste was cleaner than ordinary waste and every atom of the gold-leaf purchased was saved as waste. This matter has been investigated and reinvestigated, and the custom observed in the Government printing is the one economy suggests. Care and diligence is used to save the waste gold-leaf. It is not given to the finishers as it is in some private establishments, but is saved, and the proceeds, little though they may be, are covered into the Treasury.

WHAT THE INVESTIGATION HAS ESTABLISHED.

What further need be said of this investigation? It was ordered, in my judgment, for the purpose of discovering irregularities, fraud, and abuses in the conduct and management of the Government Printing Office. It was kept alive by influences jealous of and unfriendly to the present system of executing the printing. These influences

were manifest. It was devoutly hoped by some that this long and tedious inquiry might bring to light or develop some fact or thing that could be used as an argument to break down the present system. The country was scoured for witnesses. The Public Printer brought before the committee the books of the office for sixteen years, and furnished clerks to explain them and give all desired information in relation thereto. By the testimony taken the integrity and fidelity of the present incumbent and of his predecessor are fully established. The voice of calumny in the light of this investigation should be forever hushed.

The system, too, of executing the printing has been vindicated. That parties who had hoped that discredit might be thrown upon the present system in anticipation of a return to the contract system, which above all others affords opportunities for fraud, imposition, and deception, will be disappointed by the investigation, I doubt not.

The investigation has conclusively shown that the officers called to manage the Government Printing Office have been faithful, honest, and true; that they have properly accounted for all money and property entrusted to them; that they have executed the printing promptly and in a neat and handsome manner. No abuses or irregularities have been found to exist in any departments of the office.

IS THE COST OF THE PRINTING UNDER PRESENT SYSTEM EXCESSIVE?

But one further charge remains to be answered. It is said that the cost of the Public Printing under the present system is excessive. Is it true?

The cost of the printing under the present system consists of what is paid for the material consumed, the labor employed, and the use of the machinery required in its execution. I include as well the salaries of the necessary superintendents and officers. By what other system or method could materials be purchased at less cost? There is none. The Government under the present system buys its material, such as paper, inks, &c., at a price even below wholesale.

For the labor the Government pays no profit to contractors or middle men, and the wages paid for faithful service are low indeed.

No unnecessary machinery is purchased or used; hence, with fidelity on the part of Superintendent and officers, the cost of the public printing under the present system cannot but be reasonable and satisfactory. While this is true as a proposition, do the facts uphold the theory? The testimony is overwhelming and fully confirms the statement that under no other system adopted by the Government has the printing been executed at such low cost.

It must be remembered that at the Government Office is executed a magnitude of work of all kinds and of every character. Some of this work might be done at a private establishment and some could not. This is true: it could not be done at any one private establishment. It can be done and is done promptly and neatly at the Government Office.

THE CONTRACT SYSTEM COMPARED WITH THE PRESENT SYSTEM.

The system which now antagonizes the present system is the contract system. The history of the latter is but the story of a failure, a tale of frauds and cheating. It has been tried by the Government, and the lesson it taught should not be so soon forgotten. The records of Congress are full of data by which a comparison of the cost of printing under the contract system can be made with the cost under the present system. One instance will answer my purpose: from the Public Printer's last annual report to Congress an exhibit appears showing the cost of the printing and binding for Congress the last seven years of the contract system with the past seven years under the present system.

This statement shows that during the last seven years, under the present system, more than double the amount of work has been done than was done under the contract system for the same length of time, and yet the cost was more than \$800,000 less. I append the exhibit, marked F.

Such positive testimony as this is sought to be overcome by those who would have the Government return to the contract system with estimates of the cost of certain plain jobs of work now done at the Government Office for the Departments. For this class of work done for the Departments the Public Printer estimates the cost of each job, in order that he may properly divide the work between the Departments and know when the money appropriated for each is exhausted. If perchance a private establishment would undertake to do this class of work, or any part of it, at a price below the approximate cost estimated for the purposes stated by the Public Printer, it does not follow that it would be economy to take it from the Government Office; nor does it follow that the cost of the public printing is excessive.

From the examination I have made into the subject of public printing, I am firm in the conviction that the Government could not secure its printing and binding in a satisfactory manner at private establishments; that it must of necessity sustain and maintain a Government printing office with facilities to execute the orders of Congress promptly.

It is my further conviction that the work is more economically and better done under the present system than it is possible to have it done under any other system.

The present system should be built up, improved, and perfected, and not abandoned and destroyed.

THE CONCLUSION OF THE MATTER.

From the testimony taken and by the records and reports of the

Public Printer it appears that the public printing is neatly and promptly executed; that all moneys and property coming into the hands of the Public Printer have been and are being properly expended and cared for; that good order and system are observed and secured in the conduct of the office; that all materials for the printing and binding are purchased at a low price; that under the present system no reduction in the cost of the public printing can be reasonably made, except by ordering less printing to be done; that the cost might be reduced by the reduction of the price paid for labor, but this is not advised.

From the testimony it does not appear that extravagance prevails in the management of the office. It does not appear that the work could be as satisfactorily executed by private establishments as under the present system. It does not appear that the adoption of the contract system would result in a saving of money to the Government. It does not appear that the work could be more promptly or satisfactorily executed under the contract system than at present. It does not appear that the public interests demand or would be subserved by the adoption of the system recommended by the majority of the committee.

In view of these facts, I think the best interests of the Government require a continuation of the present system, with such improvements as economy, the past experience of those in charge, and the good judgment of Congress may suggest.

EXHIBIT A.—TESTIMONY RELATING TO THE ORGANIZATION IN THE GOVERNMENT PRINTING OFFICE SYSTEM OF KEEPING ACCOUNTS, AND METHOD OF DOING WORK.

John D. Defrees, Public Printer, sworn, says:

By Mr. MANNING:

Question. How was the Printing Office organized under your first administration?

Answer. There was a foreman of printing, a foreman of the bindery, a foreman of press-work, and a man in charge of the machinery. The organization was then about as it is now, except that the business has increased so as to require more assistance now than it did then. The business has increased very largely since I first took charge; and is increasing just as the country expands. The printing for the whole Government is done there. We manufacture the blanks and blank-books for all the custom-houses and the post-offices throughout the United States, and on the requisition of the Department these books and blanks are sent to their proper destination. The business both of the Departments and of Congress is increasing. There are more members of Congress than there were; more speeches made and more legislation done. The work is growing all the time.

Q. Did your successor make any changes in the organization of the office while he was in charge?

A. I do not know that he did.

Q. What changes have you made since you last came into office?

A. There have been no changes made.

Q. The system is substantially the same as it was?

A. Yes, sir.

Q. Explain your system of book-keeping.

A. There are six clerks here; the chief clerk has general charge of all the details of the business in the office; the financial clerk receives and pays out all the money; he has charge of the pay-rolls and all the purchases; another clerk has charge of all the executive work ordered by the Departments, of which he keeps an account. There is an estimate clerk, who makes all the estimates of work to be done, so as to confine the Departments within the limits of the appropriation that is made; there is also a paper clerk, who receives and examines all the paper and keeps an account of it; another clerk has charge of all that pertains to the CONGRESSIONAL RECORD, and another clerk assists in any one of those departments that may require his services.

Q. Who is it that keeps the waste-paper accounts?

A. The financial clerk, and he pays the amount into the Treasury.

Q. Are your books so kept as to exhibit clearly the cost of the work executed in the Government Printing Office; the quantity and cost of materials purchased, the quantity and cost of those consumed, and the quantity and cost of those remaining on hand?

A. Yes, sir; the books show all these things.

Q. Have you balanced your books since you entered upon the duties of your office?

A. No, sir; you cannot do that. Everything runs along through the year, and the business cannot be stopped to make a balance-sheet of everything.

Q. You only balance them once a year?

A. Yes, sir; at the end of every fiscal year.

A. J. Donaldson, assistant foreman in press-room, sworn, says:

By Mr. KEIGHTLEY:

Question. I would like to get upon the record your explanation of the process attending each job as it comes in.

Answer. I shall make the explanation. Mr. Twombly receives the requisition for the job, stating the particulars, such as the number of copies to be printed on it, &c.; he then prepares a jacket, making first an index-number for reference, then the Department for which it is to be printed, the number of copies, the kind of paper, the number of copies to a sheet, and the price and weight of the paper; the requisition number is also added; it is then entered in a book at his desk; after which it is sent to Mr. Nealy, foreman of the job composing-room, who enters it in his book. The job is then given out to be put in type, accompanied by the jacket; when the composition is finished the compositor puts on the face of the jacket the hours occupied in its composition; the jacket is then returned to Mr. Nealy, who retains it till the proof is returned, when he makes out a tag taken from the jacket, showing the index number. When the form is ready to be sent to press this tag is locked up in the chase and sent to the press-room. The jacket is then sent to Mr. Mulloy, who has charge of the paper warehouse; he ascertains from the jacket the number of reams required, and makes out an indorsement, which is put into the paper and sent to the press-room. Mr. Carr, who receives the paper, gives a receipt for it, if found correct; the paper is then put upon a platform alongside of the form; the jacket is then entered in the record-book of the press-room. When the form is put to press the jacket and paper are delivered to the pressman; on the completion of the job the pressman writes his name on the back of the jacket, with the number of impressions, and the jacket is then put into a pigeon-hole at my desk. The job is then sent to the delivery clerk next day, and he receives the jacket from me. The job is then prepared for delivery, and the jacket entered on his delivery-book; after which it is taken to Mr. Hough, whose duty it is to charge up the cost of the work before it is delivered to the Department.

EXHIBIT B.—TESTIMONY RELATING TO MANNER OF EMPLOYING HANDS AND WAGES PAID BY THE PUBLIC PRINTER.

Mr. Wallace A. Bartlett, of the Patent Office, sworn, says:

By Mr. BURDICK:

Question. How does the Public Printer employ and pay the hands in the office; are they all paid by the day or by the piece?

Answer. Some by the day and some by the piece.

Q. What hands would you dispense with, if you were running the office, that the Government Printer employs?

A. I could not tell very well unless I were in his position.

Q. Then do you know whether you would dispense with any or not?

A. I do not; no, sir.

Q. Are you prepared to say that he employs more hands than are necessary?

A. No, sir.

Q. If he paid less for labor could he not do more printing for each of the Departments?

A. He might do more, but I question whether he could do as good printing, or printing that would be satisfactory.

Q. Do you think he pays too much for labor?

A. No, sir.

Q. What do you know about the price he pays for paper and materials?

A. I believe he gets them at a low price. I know the former Public Printer got them at the very lowest market rates.

By Mr. FINLEY:

Q. Do you think other printers throughout the country or in this city pay too little for printers?

A. I think some of them do. Some pay the same price he does.

Q. Who pays the same price he does?

A. I think the Star pays the same price?

Q. Fifty cents a thousand ems?

A. Yes, sir.

Q. Do you know whether he does?

A. He did at my last information.

Q. When was that?

A. Two or three months ago.

Q. Who else pays the same price?

A. The Republican.

Q. Do you give that from your own knowledge?

A. I know they did not long ago. I have not inquired within some weeks or months.

By Mr. BURDICK:

Q. Do you think the wages of the employees at the Government Printing Office ought to be increased, considering the expense of living, the manner of their employment, the uncertainty of labor from day to day, and their liability of being furloughed?

A. Well, I think some of them should be paid more than they are at present. It is a very high class of labor that is required there. I left there because I considered myself a good printer and yet I could get more elsewhere, and I know some of the best printers do the same.

Q. Were the employees, when you were there, faithful in their duties at the office?

A. As a rule they were; yes, sir.

Q. Was that required of them by the Public Printer?

A. The rules were very strict.

By Mr. FINLEY:

Q. What Public Printer did you work under?

A. Mr. Clapp.

H. T. Brian, of the War Department, and formerly foreman of printing in the Government Printing Office, sworn, says:

By Mr. BURDICK:

Question. When were you in the Government Printing Office?

Answer. From September, 1870, to May, 1877.

Q. How was the office then managed—economically, or otherwise?

A. I think economically.

Q. Were more hands employed then than were necessary in any department?

A. In the printing department I do not think there were.

Q. Do you know how it was in any other departments?

A. I don't know.

Q. Were the hands that were employed kept constantly at work?

A. They were.

John Larcombe, connected with the Government printing for more than twenty years, sworn, says:

By Mr. BURDICK:

Question. What is your opinion of the present system of doing the public printing; is it good or not?

Answer. It is an improvement over any other that I am acquainted with.

Q. How many years has the system been maturing?

A. Since the 4th of March, 1861.

F. A. Burr, of the Patent Office, sworn:

By Mr. BURDICK:

Question. Do you know what price is paid for composition at the Government Printing Office?

Answer. Fifty cents a thousand ems.

Q. How is that established?

A. By law.

By Mr. FINLEY:

Q. The law says he shall not pay to exceed that amount, does it not?

A. Yes, sir.

Q. Then if it says he shall not exceed that amount, it does not compel him to pay that amount, does it?

A. Not necessarily.

By Mr. BURDICK:

Q. What is the price per hour for printers and book-binders?

A. Forty cents.

Q. And who fixes the price for their labor?

A. The Public Printer.

Q. What can you say of the prices paid for labor at the Government Printing Office, as to whether they are too high or too low; and, if either, give your reasons and conclusions?

A. Well, that, of course, covers a very wide range. Ordinarily they are not by any means too high for the class of work which the Government requires. You must have first-class hands; and my estimate of the saving which I have spoken of has never been predicated upon a reduction of the wages of the employees. In many instances the wages are too low, rather than too high. I consider that a person who is thoroughly competent to do the class of work which is required should

at least receive as good pay as ordinary clerks in the Departments; and if I were adjusting salaries I should adjust them somewhat on that scale.

Q. What can you say of the expense of living in Washington as compared with other cities?

A. It is much greater.

Q. How about the work in the Government Printing Office; is it steady?

A. It is subject to great fluctuations, as all Government positions are, and that is perhaps worse than any other; and to ask a first-class mechanic, or proof-reader, or a man competent to attend to making-up properly and doing general skilled labor—to ask him to work for less than a thousand dollars a year, when he may be idle for any portion of the year, is pretty small wages.

Q. Then I understand you if you were to make any changes in the wages you would increase rather than decrease?

A. In many instances I would.

John D. Defrees, Public Printer, sworn, says:

By Mr. BURDICK:

Question. Why do you make a difference, paying some workmen by the day and some by piece-work?

Answer. The character of the work done in the office is miscellaneous, and it makes it better to employ a portion by the hour rather than by the thousand ems, and for this reason: there is a large amount of rule-and-figure work, especially in scientific works, and by an established custom in the printing business, since type-setting was first invented, rule and figure work has been paid double the price paid for other work; if, therefore, the composition was done by the thousand ems, it would cost a great deal more to the Government. Men working by the hour are required to make a reasonable average and regular day's work. If paid by the thousand ems, the amount would greatly exceed that which might be lost by the failure of the hour-hands making full average; in other words, it is more to the interest of the Government to do a portion of the work by the hour than by the thousand ems. The records of the Supreme Court, and many times reports of committees, are put into the piece department, especially when there is any necessity for getting the work up rapidly.

EXHIBIT C.—TESTIMONY RELATING TO MANNER OF PURCHASING MATERIALS FOR THE PUBLIC PRINTING AND BINDING.

John D. Defrees, Public Printer, sworn, says:

By Mr. FINLEY:

Question. Mr. Defrees, when we adjourned yesterday you were describing the manner of letting out contracts for materials. You had gotten so far along as to describe how you advertised. Please proceed now and inform the committee in full of the manner of awarding contracts; go on from that point and explain full particulars, without any further questions.

Answer. All contracts for paper for the congressional work are awarded by the Joint Committee on Printing of the two Houses.

Q. Do they open the bids?

A. Yes, sir, for congressional work, I have nothing to do with that.

Q. Who furnishes the committee with the information as to the amount that will be needed?

A. The quantity of each of the different classes is named in the proposals.

Q. And you furnished the committee with the amount of paper that is required?

A. Yes, sir.

Q. The estimate comes from you?

A. Yes, sir.

Q. But the committee opens the bids and awards the contracts?

A. Yes, sir.

Q. Now as to the other material. The principal part used in the bindery, such as the ledger papers and all the various articles consumed in the manufacture of books, are they advertised for in the same manner, and are the awards made by the Public Printer?

A. In the proposals for many of these articles it is stated that specimens of them are to be furnished, samples are required.

Q. Don't the proposals that you send out give a description of the quality and kind?

A. Yes, sir; where that can be done; but in a great many of the articles samples are required on account of the difference in qualities.

Q. In that connection please name, as near as you can, the materials awarded by the Public Printer?

A. These are very numerous, and I could not tell you from memory. If you want to get the details you had better get them from the foremen of the different departments. I will file a paper giving a full statement of the materials awarded by law under the contracts.

Q. And the contract is then awarded to the lowest bidder?

A. Not always; for if a bidder presents an inferior article of paper his bid may be the lowest in price, but is not accepted, only the lowest and best.

Mr. John Larcombe, financial clerk, sworn, says:

By Mr. BURDICK:

Question. When the Public Printer purchases materials, do your books show the time of the purchase and the amount paid for the material purchased?

Answer. In every instance, whether large or small, in full detail.

Q. Are not disbursements made for materials that a record is not made on your books?

A. Not a penny.

Q. What do your accounts show; do they show from whom the purchases were made, and the amount, how paid, and the date when paid?

A. Yes, sir.

William D. Wilson, sworn, says:

By Mr. FINLEY:

Question. Where do you reside?

Answer. I reside at No. 325 — street, New York.

Q. What business are you engaged in?

A. I am engaged in the manufacturing of printing inks.

Q. How long have you been engaged in that business?

A. For thirty years I have been connected with the business of printing ink; for thirty-four years as a printer and binder and ink manufacturer.

Q. How extensive a business do you do?

A. I do a very large business.

Q. Is your business wholesale?

A. A wholesale business. I supply some of the largest establishments in the United States: Harper & Brothers, Frank Leslie & Co.; and I also supply the Tribune, Sun, Philadelphia Ledger, New York Post, Washington Star, and several papers in Chicago. Almost all the large book-houses buy material from me.

Q. Are you supplying the Government Printing Office now with the inks that they use?

A. I am, sir; under contract.

Q. That contract was obtained how?

A. It was obtained on open proposals in June last. It was to commence in July. I had a contract for it on the 1st of February, but I refer to the present contract.

By Mr. BURDICK:

Q. From what you know of the manner in which the Government inks are purchased, do you say that economy and good judgment are used by the officers of the Government Printing Office in the purchase of ink?

A. I should say so, sir. I have no knowledge myself of the interior workings of the office. I should say that they had a very favorable printing contract.

Q. They are using a good article of ink, are they?

A. Yes, sir.

Q. And buying it at low prices?

A. Yes, sir; at a low price. In regard to the satisfaction that it is giving the Government I could not tell you.

Q. How do the prices paid by the Government for inks they get from you compare with the prices paid by outside parties?

A. They would be lower.

O. H. Reed, foreman in the press-room, sworn, says:

By Mr. FINLEY:

Question. When Mr. Defrees opened up to competition by all manufacturers and dealers the furnishing of the supply of ink to the Government Printing Office, and which resulted in the comparatively low prices now paid for the inks, what do you know, if anything, about the general competition and the various proposals that were made in answer to the advertisements?

Answer. I think there were fifteen proposals.

Q. What, if anything, do you know of Johnson & Co. and Lighthody & Co. being among the competitors?

A. They were.

Q. Will you furnish to the committee, in answer to this question, a statement of the proposals for the various inks advertised for by the Public Printer at the time the award was made?

A. I shall furnish it to-morrow, and make it part of my answer.

[The following is the statement, which is marked "Exhibit H."]

EXHIBIT H.

Schedule of bids for printing-ink, opened February 15, 1878.

Names of bidders.	Two barrels fine job ink.	Five barrels fine book ink for Adams presses.	Seven barrels fine book ink for cylinder presses.	Six barrels fine book ink for Bullock press.	Twenty pounds blue printing ink.	Fifty pounds red printing ink.	Ten pounds green printing ink.	Five pounds purple printing ink.	Forty pounds red copying ink.	Fifty pounds fine cut-ink.
W. D. Wilson & Co.	Per lb. \$80 15	Per lb. \$80 12	Per lb. \$80 12	Per lb. \$80 09						Per lb. \$80 50
John G. Lighthody & Co.	75	50	50	30						
John Ryan & Co.	80	35	40	40	\$1 50	\$4 50	\$1 30	\$5 00	\$4 50	\$1 50
George Mather's Sons	85	55	29	23	*45	4 25	1 45	5 75	3 75	to 5 00
Connelly & Doughten	75	40	40	15						3 00
John Woodruff's Sons	65	35	35	35						1 50
T. H. Woodworth & Co.	75				1 50	5 00	1 50	10 00	4 00	2 50
F. H. Levy & Co.	30	20	30		75	*1 25	*75	*1 75	*2 00	*30
Charles Eneu Johnson & Co.	1 00	35	60	25	2 00	2 50	2 00	10 00	5 00	5 00
Gray's Ferry Printing-Ink Company	1 00	40	30	25	to 50	to 50	to 40	to 8 00		2 50
Sheldon, Collins & Co.	75	40	30	15	1 50	3 00	1 50	16 00	2 50	1 50
Louis H. Gein	72	39	39	39	2 00	3 00	1 00	6 00	4 00	2 00
Charles McIlvaine & Co.									5 00	

* Award at this price.

EXHIBIT D.—STATEMENT RELATING TO PURCHASE OF PRESSES FOR GOVERNMENT PRINTING OFFICE, AND REASONS WHY ADDITIONAL PURCHASES OF MACHINERY SHOULD BE MADE FROM TIME TO TIME.

J. H. Roberts, foreman of binding, sworn, says:

By Mr. BURDICK:

Question. Are there being made constantly improvements and improved machinery for printing and binding?

Answer. They are being made constantly.

Q. Are you disposed to purchase any new machinery which seems to be of value and promises to be useful?

A. Not until it is well tried. I am rather old-fashioned, and I have to have it proved very useful, and have it shown that it will make a saving as well as do good work, before I am in favor of its introduction.

Q. Is the Public Printer disposed to purchase additional machinery?

A. I think he is, if it be shown that it will result in a saving to the Government. I may say that I think he is decidedly in favor of improved machinery when he believes that it will effect a saving.

Q. Are there improvements being made constantly in the work of printing and binding?

A. All the time. A vast number of patents are taken out every year for improvements and improved machinery of this character.

Q. What would be the result if the Public Printer kept his old machinery, and did not purchase new and improved machinery?

A. If he should not purchase new machinery, he would be behind the times, and his work would cost him a great deal more.

John D. Defrees, Public Printer, sworn, says:

By Mr. FINLEY:

Question. Have you purchased any presses for that room since your administration? If so, how many?

Answer. I purchased two.

By Mr. MANNING:

Q. What kind were they?

A. I had a press made on which to print the CONGRESSIONAL RECORD—a Cottrell & Babcock press.

By Mr. BURDICK:

Q. Why did you make a purchase of a press for the RECORD?

A. I did it for the purpose of doing the press-work on the bound edition of the RECORD at about one-third its former cost on the Adams press; it does the work of six Adams presses, which require six feeders and three pressmen. The RECORD press requires but two feeders and half of the pressmen required by the Adams press; that is, the pressmen on the RECORD press attend to another press besides that; when the RECORD form is not on the press, it can be used for the other work in the office, to the same advantage.

EXHIBIT E.—TESTIMONY RELATING TO THE PURCHASE OF SEWING-MACHINES FOR THE BINDERY, WITH DETAILED STATEMENT OF THE RESULT TO THE GOVERNMENT OF SUCH PURCHASE.

By Mr. BURDICK:

Question. You stated, Mr. Roberts, that you bought some sewing-machines?

Answer. Machines were bought for the bindery.

Q. Why did you buy that machinery?

A. Because, after trial, I found I would save money by using it. I bought them against my prejudices. I was convinced, however, against my prejudices, of their value.

Q. Did you say that the use of them was a saving of money to the Government?

A. Yes, sir.

Q. Are those machines labor-saving machines?

A. Yes, sir.

Q. How do you know that; have you kept any account of the labor performed by them?

A. Yes, sir.

Q. What kind of an account have you kept?

A. A daily account.

Q. Have you prepared, or have you caused to be prepared, an exhibit showing the number of these machines which have been operated since the 16th day of October, 1878, showing the amount paid for labor, who operated the same, and the amount paid for the work done on them for that period; also, showing the cost of that same work during the same period if done by hand? If not, will you prepare a statement showing this?

A. I think I can get time to do it, and if I have time I will prepare it by tomorrow. I will superintend the preparation of it myself, so as to be able to testify as to the correctness of the statement.

Mr. BURDICK. That is what we want; a correct statement to be attached to the record as an exhibit.

The witness subsequently supplied the exhibit, as follows:

Summary report of work on nine wire book-sewing machines, October 10, 1878, to January 1, 1879.

Operator.	Hours.	Signatures.	Labor.	By hand.	Saving.	Average 4to per hour.	Average 8vo per hour.
Mrs. McGregor	310	374,230	\$71 02	\$434 48	\$363 46	1,134	1,280
Mrs. Ryan	489	592,617	112 02	688 29	576 27	1,126	1,280
Miss Kleber	359	412,998	82 25	535 82	453 57	1,128	1,179
Miss Winstead	492	567,713	112 36	682 59	570 23	1,170	1,115
Miss Hendley	473	528,338	108 30	460 42	352 12	1,073	1,129
Miss Hoffman	376	445,328	86 48	343 17	256 69	1,013	1,205
Miss Sullivan	469	503,854	107 42	425 89	318 47	1,031	1,088
Mrs. Cammick	344	343,773	78 79	258 22	179 43	.....	999
Mrs. Mortimer	441	406,478	101 00	314 81	213 81	.....	922
Mrs. Jenkins	364	322,380	83 35	284 46	201 11	.....	886
Miss Allen	116	75,153	26 58	57 24	30 66	.....	648
Miss Atwell	16	4,166	3 66	2 66	.....	.....	260
Total	4,249	4,577,028	973 23	4,488 05	3,514 82	.....	.....

Volumes: 4to, 14,954; 8vo, 97,439; total volumes, 112,393. Average cost per 1,000 signatures on machine, cents, 21 $\frac{2}{3}$. Average cost per 1,000 signatures by hand, cents, 98 $\frac{2}{3}$.

By Mr. FINLEY:

Q. Did you not make this calculation in anticipation of this investigation?

A. I never thought of it.

By Mr. BURDICK:

Q. Did you not do it to determine whether the use of these machines resulted in a saving to the Government?

A. I did.

By Mr. FINLEY:

Q. Did you make a calculation before or after these machines were bought?

A. Before they were bought a daily statement was handed to me every day of what they were doing.

By Mr. BURDICK:

Q. Would there be any object except that of ascertaining the value of the machines in keeping an account of what was done by them?

A. No, sir.

By Mr. FINLEY:

Q. You have kept up that account from the time you have mentioned until now?

A. Yes, sir.

By Mr. BURDICK:

Q. Then this account shows the names of the operatives, the work done by them, and the saving to the Government?

A. Yes, sir.

Q. Do you consider that this machine which you are now using is the best sewing-machine?

A. It is the best that I ever saw.

Q. How does the work done by these machines compare with the work done by hand?

A. I think it is much better.

EXHIBIT F.

Statement of the Public Printer showing a comparison of the cost of executing the public printing done for Congress under two systems.

OLD OR CONTRACT SYSTEM.

Period.	Cost of printing.*	Number of pages printed.	Cost per page.	Average price per day paid for labor of printers and bookbinders.
1853-'54, first session Thirty-third Congress	\$503,923 96	32,964	\$1 53	\$2 73
1854-'55, second session Thirty-third Congress	556,960 08	43,089	1 29	
1855-'56, first and second sessions Thirty-fourth Congress	932,299 86	42,882	2 17	
1856-'57, third session Thirty-fourth Congress	1,335,281 10	38,076	3 48	
1857-'58, first session Thirty-fifth Congress	1,696,816 06	52,454	1 33	
1858-'59, second session Thirty-fifth Congress	393,480 05	38,260	1 03	
1859-'60, first session Thirty-sixth Congress	791,898 09	53,898	1 49	
Total	5,201,459 20	301,623	1 76	

* The sums in this column are taken from the reports of the Superintendent of Public Printing.

† Includes printing ordered at previous sessions but not completed at date of previous annual report of Superintendent of Public Printing.

‡ Average.

PRESENT SYSTEM.

1871-'72, second session Forty-second Congress.....	\$878,004 30	119,244	\$0 73	\$3 75
1872-'73, third session Forty-second Congress.....	863,211 25	63,011	1 37	
1873-'74, first session Forty-third Congress.....	636,239 93	93,701	69	
1874-'75, second session Forty-third Congress.....	568,458 60	66,194	86	
1875-'76, first session Forty-fourth Congress.....	493,912 14	102,886	48	
1876-'77, second session Forty-fourth Congress.....	*434,652 45	57,921	72	
1877-'78, first and second sessions Forty-fifth Congress.....	495,830 71	114,100	43	
Total.....	4,370,309 99	617,097	175	

* For nine months only.

† Average.

EXHIBIT G.

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
December 18, 1878.

SIR: In reply to your communication of the 16th instant, addressed to J. D. O'Connell, in charge of the stationery of this office, inquiring as to the quality of the material and style of workmanship of the blanks and books furnished this bureau by the Public Printer, I have the honor to state that the quality of the material and the style and finish of the workmanship are excellent in every respect.

Very respectfully,

Hon. T. W. BURDICK, M. C.,
House of Representatives.JOSEPH NIMMO, JR.,
Chief of Bureau.RECORD DIVISION, WAR DEPARTMENT,
Washington City, January 6, 1879.

DEAR SIR: In reply to inquiries contained in your note of the 16th ultimo, (which reached the Department during my absence,) in relation to the books, &c., furnished by the Public Printer for use in this Department, I would state that both the quality of the material and the workmanship are considered good, and with occasional exceptions as to the minor details I may say give entire satisfaction.

Respectfully and very truly yours,

Hon. T. W. BURDICK,
Of Committee on Public Expenditures,
House of Representatives.SAMUEL HODGKINS,
Chief of Division.LIBRARY OF CONGRESS,
Washington, December 18, 1878.

DEAR SIR: In reply to your inquiry of the 16th instant, I have to state that the printing and binding executed for the Library of Congress by the Public Printer are both executed in most excellent style, and, as a rule, with very great promptitude.

The only objection I should make is as to the quality of the type and paper used on the new General Catalogue of this Library, a work of magnitude and importance. The types are too much worn, and the reason given is that there are no funds to buy new fonts. The paper is good, but of different colors, and the statement is made that strictly uniform paper cannot be secured in the way purchases are made by existing laws. With these exceptions, the work done is eminently satisfactory, and I may add never as much so as now.

Very respectfully,

Hon. T. W. BURDICK, M. C.

A. R. SPOFFORD,
Librarian of Congress.

Sundry Civil Appropriation Bill.

SPEECH OF HON. J. H. STEWART,

OF MINNESOTA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 24, 1879.

On the bill (H. R. No. 6471) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

Mr. STEWART. Mr. Speaker, the methods of legislation in vogue in this House are, to say the least, in many instances highly reprehensible, and more in consonance with the inconsiderate and thoughtless action of a country-school debating club than characterized by the calm dignity and wisdom of conduct becoming a national legislative body.

No session of Congress ever passes that many days, and even weeks, of valuable time are not spent in the discussion of measures of a wholly private and, so far as the public is concerned, of a totally unimportant character. Even within the present brief session, whose duration is fully measured by a statute of limitation, entire days have been frittered away in discussing and disposing of such trivial matters. If this were or could be done without serious detriment to the more important public interests requiring congressional legislation, it would likely be attended with no more serious results than the additional cost in many instances of a prolonged session. But only yesterday we witnessed on the floor of this House an example of this hasty and ill-advised legislation in the shape of an important appropriation bill, involving a disbursement of more than \$16,000,000 of the people's money, passed in a few moments under a suspension of the rules and without opportunity for discussion or amendment.

Under a resolution of this House, adopted on the 11th day of March last, Mr. BEEBE and myself were appointed a subcommittee to inquire and ascertain what, if anything, might be found to be due the Chippewa Indians of Lake Superior and the Mississippi, under the provisions of the ninth article of the treaty with those bands, concluded September 30, 1854. To the performance of that duty the subcommittee has given much time and attention. Its labors have but just been completed, and a report prepared for the consideration and action of

the entire Committee on Indian Affairs. Owing to the near approach to the end of the session, together with the pressure and perplexities of other business with which the committee has been overburdened, the subcommittee has been unable to secure any action upon its report.

It was my intention yesterday, as the result of these investigations, to offer as an amendment to the sundry civil appropriation bill a clause providing for an appropriation and investment, for the benefit of these Chippewa Indians, of the sum of money ascertained by the subcommittee to be justly due and owing to them. The unseemly haste with which that bill was crowded through, however, prevented the accomplishment of this purpose.

The claim of these Indians is none the less just and equitable. In order that the House may have a clearer idea of the facts in the case and perceive the rank injustice these Indians have patiently submitted to, notwithstanding the unfulfilled promise of the Government of twenty-five years' standing stares us in the face, I will read as a part of my remarks the report of the subcommittee, with the accompanying documents:

To Hon. A. M. Scales, Chairman, and Members of the Committee on Indian Affairs:

GENTLEMEN: The ninth article of the treaty of September 30, 1854, between the United States and the Chippewa Indians reads as follows:

"The United States agree that an examination shall be made, and all sums that may be found equitably due to the Indians for arrearages of annuity or other things under the provisions of former treaties shall be paid as the chiefs may direct." (See page 226, Revised Treaties.)

Under the provisions of this treaty a resolution passed the Senate as early as 1860, requesting the Secretary of the Treasury to make this examination, but the war coming on matters of greater importance occupied the time and attention of those whose duty it was to make this examination.

In 1866 a delegation of these Indians visited Washington for this purpose, and much time was spent by the friends of the Indians in making an examination, which disclosed the fact that there was still due the Indians something in the neighborhood of \$100,000, as will be seen by the statement of John W. Bell herewith, marked "A."

Thus the matter dragged wearily along; the Indians were restless, miserable, and unhappy. Their agents would counsel them to have patience, trust the "Great Father" and their friends in Congress, and the time would certainly come when they would get their just dues.

In the summer of 1877 the Indians of the White Earth agency had become so demoralized waiting, watching, and praying for relief that the Indian Bureau was induced to send a commission of gentlemen to the agency to investigate their matters; and at the request of the Secretary of the Interior and Commissioner of Indian Affairs the undersigned accompanied that commission. To rehearse the many claims of non-fulfillment of treaty stipulations would take hours of your valuable time; among others was the ninth article and the accompanying letter marked "C," from the pen of Hon. H. M. Rice, of Minnesota, a member of the above commission, will better explain itself, and is therefore submitted for your information.

This letter was transmitted to the Commissioner of Indian Affairs with a request to be furnished with a statement of the account, &c.

On February 19, 1878, E. H. Holcomb, Acting Commissioner of Indian Affairs, replied. See Holcomb's letter, marked "D."

On February 26, 1878, Hon. H. M. Rice addressed the accompanying letter, marked "E."

On the 11th day of March, 1878, the following resolution passed the House and was referred to the Committee on Indian Affairs:

"Resolved, That the Secretary of the Treasury be requested to furnish the Committee on Indian Affairs of this House an itemized statement of account with the Chippewas of Lake Superior and Mississippi, under the ninth article of the treaty made with those Indians the 30th of September, 1854."

Hons. GEORGE M. BEEBE and J. H. STEWART were appointed by the chairman to investigate these matters. Agent Mahan was detailed by the Indian Office to assist in this investigation, which has been long, tedious, and quite laborious. The books and records of the several departments of the Government have been carefully examined. Statements have been asked for and obtained from both the Indian Office and Treasury Department. To get a detailed abstract of each voucher would require the services of several clerks for months and perhaps years, therefore this has not been done. Assuming that the books of the Treasury Department are correct—and we have no reason to question them—we herewith present an abstract statement of all moneys appropriated, advanced to agents, and paid by the Treasury Department, furnished by E. B. French, Second Auditor of the Treasury, marked "F," (omitted in printed report on account of length.)

From the above statement it appears that there has been covered into the Treasury from the balances of appropriations for these Indians from 1843 to 1878, inclusive, the sum of \$92,163.70. (By mistake in the Indian office the sum of \$7,671.75, from treaty of September 30, 1854, was covered into the Treasury on June 30, 1877. Agent Mahan discovered this error, and has taken the necessary steps to have it brought back, which your committee is assured has or will be done without further legislation, thus reducing the amount due the Indians on account of balances to \$84,488.95.) For statement of these balances see abstract marked "G."

Your committee has also investigated one other matter which has been a source of considerable trouble to the Indians. It appears from an examination of their treaty that they were to receive a portion of their annuity in coin or specie. On making an examination of the requisitions and warrants in the Treasury and Interior Department we find that during the years 1863 and 1864 these Indians were compelled under their protest to accept currency. The following statement, furnished by the Indian Office will show the several amounts with date of warrant. (See statement of committee, marked "H.") Now your committee find on page 337, Statutes at Large No. 16, an act of Congress indicating that the Chippewas of Lake Superior have received an equivalent in currency, which we find is not the case, as this act was for the benefit of the Chippewas of Lake Superior at Mackinaw agency, in Michigan. Now it would seem but just and honest that these poor

people should be treated alike. If it was right to make good the coin value for the Indians of the Mackinaw agency in 1870 it is but just that the same should be done to the other Chippewas. Your committee has therefore prepared a statement of the coin value of the several payments, and herewith submit it, marked "I."

Sufficient data has been secured, in the opinion of your committee, to justify the following recommendation, that the following amendments be attached to some one of the appropriation bills now going through the House:

"For this amount, or so much thereof as may be necessary, to enable the Secretary of the Interior to fulfill the treaty stipulations relative to the payment of annuities or other things with the Chippewas of Lake Superior and Mississippi, as provided in article 9 of the treaty of September 30, 1854, \$84,488.35, being the total balances of appropriations under treaties with said Indians and covered into the Treasury between the years 1843 and 1878 inclusive: *Provided*, That an arrangement can be made with the Indians that this amount is received in lieu of all arrearages on account of former treaties, as provided in said treaty: *And provided further*, That the Indians consent to have this money converted into 4 per cent. bonds of the United States, and to receive annually the interest in such manner and amounts as the Secretary of the Interior may think proper in the interest of their civilization."

"For this amount, to be paid in money, to enable the Secretary of the Interior to fulfill treaty stipulations relative to the payment of annuities with the Chippewas of Lake Superior, Indians of the La Pointe agency, in the State of Wisconsin, and the Chippewas of Mississippi, and Indians of the White Earth agency, in the State of Minnesota, \$32,298.77, being the aggregate difference between the coin value of payments made in currency during the years 1863 and 1864, at the dates of Treasury warrants, and the amounts due in coin by treaty stipulations, with interest at the rate of 5 per cent. per annum from date of said Treasury warrants to February 6, 1879: *Provided*, That the Indians consent to favor the amount converted into 4 per cent. bonds of the United States, and are willing the Secretary of the Interior should expend the interest in such manner and in such sums as he may think proper in the interest of their civilization."

Respectfully submitted,

J. H. STEWART.

[Mr. BEBBER not being in the city, the above report could not be presented to him for his signature.]

A.

A synopsis of the result of the labors of John W. Bell and George P. Warren at Washington, left there by the delegation of Chippewa chiefs to investigate and ascertain the amount of "arrears" due to the nation of Chippewa Indians of Lake Superior under treaty stipulation which resulted as follows:

It appears by a resolution of the Senate, dated 2d of May, 1860, that the Second Auditor of the Treasury Department, as required and in conformity with the ninth article of the treaty of 30th September, 1854, furnished the Indian Bureau with an account current up to the 30th of September, 1854, between the Chippewa Indians under the treaties of 29th of July, 1857, and 4th of October, 1842, wherein it appears that there was then a balance found due to the Chippewas of \$51,029.93, two-thirds of which sum, according to treaty stipulations, is justly due to the Chippewas of Lake Superior, amounting to the sum of \$34,019.94. It further appears that from a further account current, obtained from the office of the Second Auditor of the Treasury Department, dating from the 30th of September, 1854, to the 1st of January, 1865, and unconnected with the former, there was found to be due to the Chippewas of Lake Superior the further sum of \$14,030.55, making the total sum due as per statement of the Second Auditor of \$68,050.49; now add \$4,263.81, due on the appropriation of \$60,000 to pay debts, for which there are no vouchers in the Auditor's office, \$4,263.81; add also \$1,000 paid to Hole-in-the-Day by Major Cullen out of the agricultural funds and charged to the Chippewas of Lake Superior, \$1,000; total, \$73,314.30; also the annuities of 1863 and 1864 paid to them in United States currency instead of coin, and received by them under protest, and which should be made up to them by a special act of Congress to the amount of the equivalent of their just dues.

JOHN W. BELL.

B.

UNITED STATES INDIAN SERVICE, LA POINTE AGENCY,
Bayfield, Wisconsin, November 25, 1873.

To Hon. E. P. SMITH,

Commissioner Indian Affairs, Washington, D. C.:

DEAR SIR: As I informed you when in Washington, some of the Indians of this agency refused to receive their annuities at Bad River payment in September last, till some understanding could be had with reference to the settlement or adjustment of what they term "arrears" under old treaties. The Indians were only satisfied with my making a promise to them that I would lay the matter before the Department backed up with a request that they be allowed to send some portion of their chiefs to Washington to make this settlement. In order to inform myself and be better prepared to lay the subject before the Department, I, on November 6, 1873, addressed the following questions to Hon. H. M. Rice, of Saint Paul, Minnesota. "It having come to my knowledge that you were instrumental in causing the article on 'arrears' to be inserted in the treaty of 1854 between the United States and the Indians of this agency, I would respectfully ask to be informed—

"First. Your reasons for so doing?"
"Second. Has any action been taken by the Department or other friends of the Indians toward a proper settlement or adjustment of said 'arrears'; and, if so, what?"

SAINT PAUL, November 14, 1873.

Major I. L. MAHAN,

United States Indian Agent for Chippewas of Lake Superior:

DEAR SIR: In answer to yours of 6th I have to say that in 1842 these Indians signed a treaty by which they disposed of all their lands bordering on and south of Lake Superior, including the valuable islands. In 1847 I made a treaty with them by which they ceded their interest in a small tract west of the Mississippi. I was with them many weeks. They contended that they never sold the lands mentioned in treaty of 1842. In this all the whites and mixed bloods agreed. All said that the commissioner told them all the Government of the United States wanted was the copper and iron, &c. Of this I think there cannot be a doubt, for by reference to the schedules attached to the treaty you will find the American Fur Company received the lion's share of the money stipulated to be paid, the commissioner making the treaty being largely interested in that corporation, having been an active partner.

The interpreters also appear in the schedule as recipients of money, and also every witness except two to the treaty. These two were probably strangers who signed as witnesses at some one's request. So you will see the entire gist of the treaty was to put money in the pockets of those who acted for the Government. From that time forth efforts were made to remove these Indians west until 1854. While making these efforts, schools, farms, blacksmiths, carpenters, &c., were suspended; and money for making farms, purchasing cattle, implements, &c., remained in the Treasury awaiting their removal; so that what was promised under former treaties could be expended in what was called their new homes. In 1854 they ceded their large possessions north of the eastern part of Lake Superior, and received small reservations within the country ceded in 1842. They then begged that the balances which had accrued and were in the Treasury should be paid them. Consequently an article was placed in the treaty binding the Government to pay whatever might be due them, a certain portion going to the Chippewas of the Mississippi, for up to that time they held the country in common. For years I plead with the Indian Office to ascertain the amount due, but in vain. In 1860, I think,

the complaints of the Indians being too constant and pressing for me to stand, I introduced and passed a resolution through the Senate requiring an adjustment of the claims.

For months the Auditor had a large force, with extra clerks, employed, and reported that he found the amount due these Indians under treaty of 1854 to be, I think, a little over \$92,000. The war coming on, I found it impossible to press the matter further. After this, Messrs. Bell and Warren were employed by the Indians to visit Washington to aid in a settlement. They remained all one winter, and the result of their examination was about the same as the former one—but could get no relief. These Indians, with justice on their side, believe the Government has deliberately, for years, withheld money due them under old treaties and promised under treaty of 1854. No one has been able to secure their confidence in the Government, and never will be until an honest adjustment shall be made. I think the only way this can now be done will be to take a delegation to Washington, where an understanding can be arrived at that may restore the long-lost confidence. They can tell the commission in brief, simple, and strong language of their wrongs in a more effective way than can be written. They were awfully wronged in 1842; in fact they have since that time been a broken people. Look at the parties who made, interpreted, and witnessed the treaty, then look at the schedule, but one conclusion can be arrived at—the strong destroying the weak! May you be successful in seeing this simple, impoverished people, although late, righted—in your efforts in their behalf.

Very respectfully, yours,

HENRY M. RICE.

Now, it seems possible that these Indians are entitled to something. What, I do not pretend to say or know, but we can never satisfy them till it is looked into for and with them. They will talk of it till the end of the world unless we do something toward an adjustment. I would therefore respectfully ask in their behalf that their request be granted, and to this end would respectfully suggest that we kill two birds with one stone.

The Fond du Lac bands have requested (see my last letter) that they be allowed to visit Washington in order to settle their matters. The Flambeau bands are anxious to do the same, and have so requested through Hon. Mr. McGill, in order to make some arrangements looking to the sale of their timber, and now the Bad River bands are desirous of doing the same. The Lac Court Oreille Indians would like to talk over their timber sale. These and other good reasons seem to justify me in making this request, aside from the mere fact that they claim something from the Department on account of "arrears." If you had them where you could talk to them, advise them as to the future, even if you were compelled to tell them there was nothing due them on account of old treaties, it would do more and go further toward gaining their confidence than anything I can hope to do till this matter is put upon the shelf forever; besides, the foundation for future operations could be laid, where no under influence could operate against their best interests.

They will, I think, be willing to have the expense paid out of any money that may be due them on account of arrears, if this plan meets with your approval. I think the number of the party should be made up of three Flambeau chiefs, three Fond du Lac chiefs, three Bad River chiefs, one Red Cliff chief, two Court Oreille chiefs, two interpreters, or as many as you may think best; time, between January and March, 1874.

Very respectfully, your obedient servant,

J. L. MAHAN,
United States Indian Agent.

C.

CHAMBER OF COMMERCE, No. 15 WEST THIRD STREET, ROGERS' BLOCK,
Saint Paul, Minnesota, November 18, 1877.

MY DEAR SIR: When at White Earth last summer you will remember how persistently the Chippewas urged the fulfillment of the promise made by the ninth article of the treaty made at La Pointe, Lake Superior, September 30, 1854. (Statutes at Large, volume 10, page 1109.) Under former treaties provisions were made for annual appropriations for schools, farms, blacksmith shops, smiths, iron tools, carpenters, &c., which, owing to the unsettled condition of the Indians, were never expended—which amounts were returned to the Treasury. About 1860 I introduced a resolution, which was passed, calling upon the Department for a statement showing amount due. The Second Auditor reported that there was due the Indians, I think, about \$92,000; the war coming on prevented any action being taken by Congress. There has not been a council held with these Indians since that time to my knowledge, since the treaty of 1854, without this matter having formed a prominent feature. These poor people feel wrong has been done them by this long neglect in carrying out a plain and just provision of their treaty, and now, as most of their annuities under former treaties have expired, and owing to injudicious using of their funds, they are very poor, their poverty and helplessness requires prompt action by Congress, and they look to you to see justice done them. I regret I cannot give you dates, but I think you will be able to find the report of Second Auditor. Action may have been had earlier or later than 1860; I know it took many months for the Auditor to ascertain the facts. An expert in his or the Indian Bureau may be able to assist in finding the facts.

Unless what is honestly due them can be appropriated early this session, they must be otherwise assisted or they will be compelled to abandon their reservations and resort to the chase for subsistence, as you know that for four years the grasshoppers destroyed much of their crops; you also know how little was done toward enabling them to become self-supporting by the judicious and wanton expenditure of their funds in years past—such as building expensive and worthless mills, making roads where none were wanted, and otherwise.

Justice as well as humanity requires prompt action.

Truly, your friend,

HENRY M. RICE.

Hon. J. H. STEWART, M. C.

D.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, February 19, 1878.

SIR: I have the honor to acknowledge the receipt by your reference of a letter from Hon. Henry M. Rice, dated Saint Paul, Minnesota, November 18, 1877, relative to the impoverished condition of the Chippewa Indians located on the White Earth Reservation, Minnesota, and in which reference is made to certain unexpended balances of appropriations made for said Indians under treaty stipulations supposed to have been carried to the surplus fund.

In reply, I have to state that in the year 1860 there was standing to the credit of the Chippewas about \$94,000, but that the ledgers of this office show that every dollar appropriated for said Indians under treaty has been expended or advanced to Indian agents to be expended for their benefit, and that they have no funds standing to their credit on account of back annuities.

In consequence of the expiration of certain treaty stipulations with the Chippewas, Congress, under act of March 3, 1877, appropriated the sum of \$5,000 for their care and support during the present fiscal year, and there is an item of \$5,000 for the same purpose, embraced in the estimate of appropriations required for the Indian service for the next fiscal year.

Mr. Rice's letter is respectfully returned herewith.

Very respectfully,

C. W. HOLCOMB,
Acting Commissioner.

Hon. J. H. STEWART,
House of Representatives.

E.

SAINT PAUL, February 26, 1878.

MY DEAR SIR: Your note of 29th instant, with a communication from Hon. C. W. Helcomb, acting Commissioner of Indian Affairs, of the 17th instant, is received:

In 1860, at the time the amount of \$94,000 was ascertained to be due the Chippewas, I was informed that that amount had been covered into the Treasury and that it could not be made available until reappropriated, and I am not aware that any appropriation since that time has been made of any part of said sum. It is true that special appropriations were obtained in furtherance of the views of the board of Indian commissioners, and perhaps of some of their agents, for experimental and other purposes, as donations, owing to the peculiar circumstances under which the Indians were placed, but they were never informed that these sums had anything to do with the \$94,000. During the war it was stated that owing to the condition of the Treasury the Indians must wait. The treaty of 1854, article 9, says the money "shall be paid as the chiefs may direct." Now, the chiefs have never been consulted in this matter. Article 8 of same treaty says "two-thirds of all benefits under former treaties shall be paid to the Lake Superior and one-third to the Mississippi Indians, which of course includes the \$94,000. Do the books of the Department show that it has thus been paid? The money was never paid as the chiefs directed; they were never consulted, and never told that a dollar of that sum had ever been used for their benefit. It will be impossible to convince them that they have ever received any benefit from any part of it—and as you must know from personal observation that it would be equally difficult for an expert, upon the closest examination of their improvements, to account for it. Do the vouchers of the agents show that one dollar was ever expended chargeable to that fund? I think not. I presume that the money claimed to have been advanced out of that fund, or a part at least, was expended for the Pillagers, Red Lake, and other Indians not parties to the treaty. Agents sometimes succeeded in getting money appropriated for the purposes of civilization and expended it as they saw fit, but where has it gone? You know that the White Earth Indians have never

had more than thirteen hundred acres broken, which did not cost \$4,000, and they have been told almost daily since 1860 that there was in the Treasury of the United States nearly \$100,000 belonging to them, and each agent promised to aid in having it appropriated. In all their councils it forms the principal subject of their complaints. The delegation that came here a few days ago said that was one object of their wishing to go to Washington. We had hard work to turn them back, they believing their agents had not properly represented the state of the case. If the vouchers of the agents show that they expended any sum or sums out of this specific amount it should be explained to the Indians, but they can never be made to believe that justice has been done, as the explanation will come too late.

I regret to trouble you or the Department further in this matter, and would not did I not feel that their present miserable condition requires every honorable effort in their behalf. They are in want of food and must be helped, or suffer and perhaps be compelled to look outside of their reservation for aid. If their funds have been wasted by agents of the Government, the Government should come to their relief. You know their condition; so does General Lyon, who visited their every improvement.

I hope the Department will have a further examination made and a detailed statement given, and that the same will be sent their agents—one to White Earth and another to Agent Mahan, at Bayfield, as you will recollect that when you met the latter here only last month he called your attention to this subject, stating that the Chippewas of his agency had never received a dollar of the amount claimed.

Very respectfully yours,

HENRY M. RICE.

Hon. J. H. STEWART,

Washington, D. C.

As I was present and acted for the Indians in the treaty of September 20, 1854, they have been from that to the present time calling upon me to help them.

Abstract "F," above referred to, is omitted on account of its length.

G.—Abstract of balances of appropriations covered into the United States Treasury between the years 1843 and 1878, inclusive.

Date.	Treaties.	Amount.
June 30, 1843	Treaty of July 29, 1837, Revised Treaties, page 149, surplus.....	\$42,515 59
June 30, 1849	Treaty of July 29, 1837, Revised Treaties, page 149, surplus.....	2,380 37
Sept. 30, 1852	Treaty of July 29, 1837, Revised Treaties, page 149, surplus.....	1,447 09
June 30, 1873	Treaty of October 4, 1842, 7 Statutes, page 591, surplus.....	320 88
June 30, 1877	Treaty of October 4, 1842, 7 Statutes, page 591, surplus.....	291 69
June 30, 1846	Treaty of July 29, 1837, 7 Statutes, page 536, surplus.....	6,321 12
June 30, 1848	Treaty of October 4, 1842, 7 Statutes, page 591, surplus.....	1,924 26
Dec. 1848	Treaty of October 4, 1842, 7 Statutes, page 591, surplus.....	500 00
Sept. 1852	Treaty of October 4, 1842, 7 Statutes, page 591, surplus.....	103 73
June 1855	Treaties of 1837 and 1842, Removal, &c., Revised Treaties, pages 150 and 217.....	49 95
June 30, 1877	Treaty of September 30, 1854, prior to June 30, 1873.....	13,125 16
June 30, 1877	Treaty of September 30, 1854, for fiscal year ending June 30, 1874.....	1,456 03
	<div style="display: flex; justify-content: space-between;"> \$5,198 84 goods. 121 73 agency improvement. </div> <div style="display: flex; justify-content: space-between;"> 1,771 84 education. 502 15 goods. </div> <div style="display: flex; justify-content: space-between;"> 80 19 education. </div>	
	7,674 75	
April 30, 1878	Treaty of September 30, 1854, balance in Treasury, 1876, money.....	585 06
April 30, 1878	Treaty of September 30, 1854, balance in Treasury, 1878, money.....	3,485 01
June 30, 1877	Treaty of February 22, 1855, Mississippi Indians, Revised Treaties, page 263.....	5,331 84
May 1, 1878	Treaty of February 22, 1855, for fiscal year ending June 30, 1878, balance in Treasury.....	2,873 20
June 30, 1875	Treaty of February 22, 1855, carried to surplus fund.....	9,937 78
	Less amount brought back this date (February 6, 1879) and made available at once, (see above).....	92,848 76
	Balance.....	7,674 75
		85,174 01

H.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, February 11, 1879.

SIR: In compliance with your verbal request, I have to state the following in connection with certain payments heretofore made to the Chippewas of the Mississippi and of Lake Superior, under their treaties with the United States dated October 4, 1842, and September 30, 1854.

Under the fourth article of " " treaty first named the United States agreed to pay to the Indians named, annually, the sum of \$12,500, in specie, for twenty-five years.

Under the fourth article of treaty of September 30, 1854, the United States agreed to pay annually to the Chippewas of Lake Superior \$5,000, coin, for the term of twenty years.

Article 8 of said treaty provides that of all benefits to be derived from former treaties existing prior to the year 1847 the Chippewas of Lake Superior shall be entitled to two-thirds and the Chippewas of the Mississippi one-third. Under the stipulations of the treaty first named the coin annuity of \$12,500 has been divided as follows:

Two-thirds to Lake Superior Chippewas.....\$8,333 33
One-fifth of which was paid to the L'Anse band.....1,666 67

Leaving net amount due the Lake Superior Chippewas.....6,666 66
One-third to Chippewas of the Mississippi.....4,166 66

Under the treaty last named the Chippewas are entitled to.....5,000 00
One-fifth of which was paid to L'Anse band.....1,000 00

Leaving net amount due Lake Superior Chippewas.....4,000 00

In the years 1863 and 1864 the ledgers of this office and memoranda from the Treasury show that the following amounts were remitted in currency, for disbursement to the Indians named, as follows:

Date of warrant.

July 15, 1863. To Luther Webb, United States Indian agent for Chippewas of Lake Superior.....\$6,666 66

To Luther Webb, United States Indian agent for Chippewas of Lake Superior.....4 000 00

Aug. 13, 1863. To Clark W. Thompson, superintendent for Chippewas of the Mississippi.....\$4,166 66

Oct. 10, 1864. To Clark W. Thompson, superintendent for Chippewas of Lake Superior.....10,666 66

To Clark W. Thompson, superintendent for Chippewas of Mississippi.....4,166 66

Very respectfully,

E. A. HAYT, Commissioner.

Hon. J. H. STEWART,
House of Representatives.

TREASURY DEPARTMENT,
OFFICE OF THE COMPTROLLER OF THE CURRENCY,
Washington, February 6, 1879.

SIR: At your request I send you herewith a statement, based upon the dates and figures furnished by you, as shown in column one thereof, giving the aggregate amount of principal and interest due to date upon the differences between the currency and coin values of the amounts therein named, which amounts, as I understand, were due in coin at the dates named and paid in currency. The average currency price of gold is obtained from the publication of the Register of the New York Gold Exchange, and the interest (simple) is computed at the rate of 5 per cent. per annum.

Very respectfully,

JNO. JAY KNOX,
Comptroller.

Hon. J. H. STEWART,

House of Representatives.

I.—Statement of the coin value of the several payments made in currency during the years 1863 and 1864.

	Amounts due in coin at the dates named.	Average currency price of gold at dates named.	Currency value of amounts named in the first column.	Balance due in currency at dates named in first column.	Interest at 5 per cent. annum on currency balances.	Principal and interest due in currency February 6, 1879.
July 15, 1863.....	\$10,666 66	129	\$13,759 99	\$3,093 33	\$2,406 77	\$5,500 10
August 13, 1863.....	4,166 66	126½	5,281 24	1,114 58	862 86	1,977 44
October 10, 1864.....	14,803 32	197½	29,295 80	14,462 48	10,358 75	24,821 23
Balance of principal and interest due February 6, 1879.....						32,298 77

Now, Mr. Speaker, what is our duty as the guardian of all the Indians under our jurisdiction?

Think of their past history and of our relations to and responsibility for their present condition. But a century ago and they were still the undisputed owners and occupants of the greater share of this continent. They struggled in deadly conflict for the mastery with our pioneer ancestors in the valleys of the Tennessee and Ohio; among the mountain gorges and along the banks of the beautiful

streams of Western Pennsylvania and Virginia. They compelled the Government of the United States to recognize their right to the soil they occupied, and to treat for the purchase of the same upon conditions alike honorable to their prowess and their patriotism. But, to our shame be it said, we have not scrupled to cajole them with promises under the sacred form of treaty stipulations; we have not scrupled to cast aside the responsibility of those promises as a worn-out garment whenever it seemed popular or advantageous to do so.

The cruel duplicity, the grasping avarice, the hollow mockery of good faith that has characterized the fulfillment of our treaty obligations with the Indians from the earliest times to the present day constitute a chapter in our history that will ever be a by-word and a reproach.

If we sometimes find them fierce, hostile, and revengeful; if they are cruel, and if they sometimes turn upon us and burn, pillage, and desolate our frontiers and perpetrate atrocities that sicken the soul and paralyze us with horror, let us remember that two hundred and fifty years of injustice, oppression, and wrong heaped upon them by our race with cold, calculating, and relentless perseverance have filled them with the passion of revenge and made them desperate.

But while in numerous instances such unhappy results have followed in the train of this systematic injustice, yet in the case of the Chippewas of Lake Superior no such revengeful acts can be laid at their door. They have borne with a patience that pervades but few of their Christian brethren their numerous wrongs and insults.

It is now twenty-five years since they were solemnly promised an adjustment and payment of the moneys unlawfully withheld from them. During the greater portion of that period a majority of them have been in a condition of perennial hunger and destitution. Yet they have continued to follow, with no sign of wavering or deviation, in the strait path of duty and friendship for the whites, without expectation of reward and with but slender hope of justice, while the fierce and restless Sioux have demanded and received as a premium for their misbehavior millions of dollars' worth of provisions and supplies.

Mr. Speaker, this should not be so. We should not neglect our friends that we may reward our enemies. We should be just ere we become generous. Our National Constitution forbids any law that shall impair the obligation of contracts. If our Magna Charta so plainly points out the duty of individuals, municipalities, and corporations in the matter of keeping good faith with each other, how indifferent must be the credit attaching itself to the National Government that constantly neglects or refuses without cause or provocation to fulfill its most sacred obligations to a people who by reason of their weak and helpless condition are unable to enforce their rights.

I trust, Mr. Speaker, that Congress may be brought to see the impropriety and inhumanity of such a course, and take early action to remedy these wrongs and remove this standing reflection upon the good faith of a government that assumes to afford a home for the oppressed and down-trodden of all climes and nationalities.

Finley vs. Bisbee.

SPEECH OF HON. THOMAS R. COBB, OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 20, 1879.

The House having under consideration the contested-election case of Finley vs. Bisbee, from the second congressional district of Florida—

Mr. COBB said:

Mr. SPEAKER: I have but forty minutes allotted me, and I must economize time as best I can. This is a contested-election case growing out of the election held in the second congressional district in the State of Florida, on the 7th day of November, 1876. Finley, the contestant, and Bisbee, the contestee, were opposing candidates for Congress in said district. Bisbee received the certificate through the returning board of the State, and now holds a seat on this floor. The contestant, Finley, insists that he was duly elected, notwithstanding the action of the returning board. In the State of Florida the law provides:

First. For a returning board for each county, which shall be composed of the county judge, clerk of the circuit court, and a justice of the peace of the county, who shall on the sixth day after any election, or sooner if the returns shall have been received, meet at the clerk's office and publicly proceed to count the votes given for the several officers and persons as shown by the returns from the various precincts, and shall certify the same to the secretary of state.

Second. The State board of canvassers, under the law, is composed of the secretary of state, attorney-general, and the comptroller, or any two of them, whose duty it is to canvass the returns from the several counties and determine who shall have been elected and certify to the same. This board was composed—a majority of it—of republicans, and the certificate was given to the contestee, Mr. Bisbee, as we have already said. I have given this case a very careful

consideration. The evidence covers nine hundred and seventy-two pages of the printed record, and the printed arguments of contestant and contestee two hundred and thirty-eight pages; in all, twelve hundred and ninety pages of printed matter. I have bestowed much labor in trying to ascertain the truth in regard to the facts and the law of the case, and think I understand it.

By the returns of the precinct officers of the various precincts in this congressional district the contestant was elected by 5 votes, as will be seen by an examination of the following table which shows the vote by counties as returned by said precinct officers:

Counties.	Finley.	Bisbee.
Alachua.....	1,255	1,972
Baker.....	238	143
Brevard.....	111	56
Bradford.....	706	199
Clay.....	315	126
Columbia.....	901	717
Duval.....	1,468	2,331
Dade.....	5	8
Hamilton.....	614	329
Madison.....	1,082	1,521
Marion.....	902	1,548
Nassau.....	670	794
Orange.....	926	194
Putnam.....	617	579
Suwannee.....	629	456
Saint John's.....	508	331
Volusia.....	474	172
Total vote for each.....	11,481	11,476

Finley's majority, 5.

This table gives the true number of ballots cast for each of those parties in the several counties, except the county of Alachua. And I shall address myself in the first place to the facts in regard to this county. The question affecting the vote of this county arises in regard to Archer precinct No. 2. It is admitted by contestant and contestee that the returns from Archer precinct No. 2, in Alachua County, are false and fraudulent. This very much limits the issues in regard to this precinct. That the returns from this precinct are false and fraudulent no one can deny after a careful reading of the evidence. It is clear that somewhere between two and three hundred votes were added to the vote of the republican candidates by the election officers of said precinct, either by altering the returns or by forging new ones.

As I said a while ago in answer to a question propounded by the gentleman from Minnesota [Mr. DUNNELL] to the gentleman from Georgia, [Mr. CANDLER,] I had read an affidavit made by L. G. Dennis, a leading republican of the State of Florida, who resides in Alachua County, in which he states that he and Black, who was one of the inspectors of Archer precinct No. 2, did add two hundred and nineteen to the number of votes each republican candidate received at this poll. I have no doubt this is substantially true. But this evidence was not before the committee, and I should not have alluded to it but for the fact that the gentleman from Minnesota raised a question of fact which was outside of the record.

But it greatly tends to throw light upon the question as to how the fraud at this poll was committed. The evidence in the record does show, however, that Dennis was president of the board of county commissioners of Alachua County; that under the law said board appointed the inspectors of the elections for the various precincts in said county; and it further shows that said board appointed R. H. Black, Green R. Moore, and Floyd Dukes inspectors at Archer precinct No. 2. Black and Moore were republicans, and Dukes was a democrat who was about seventy-five years old and could neither read nor write. When these members of the election board met at Archer they organized by electing one Thomas H. Vance, another republican, clerk; thus giving full control of the election at this poll to the republicans. Vance lived at Gainesville, a distance of fifteen miles from this poll. No doubt he was sent by an arrangement with Dennis and other leading republicans, and was to be chosen clerk by Black and Moore, thereby making it easy to commit the fraud which was perpetrated on this poll. The evidence proves that leading republicans declared that the election at this poll must be "fixed up," for the reason that the result of the presidential election might depend upon it. It is also in evidence that R. H. Black said before the election to a friend who he supposed to be a republican, that if he got a chance he would change the vote of this precinct in favor of the republicans. Black, although placed upon the witness-stand, does not deny making this statement. The evidence also shows that the democrats had knowledge of the fact that fraud would be attempted at this poll, to the evidence of which I may allude further along. Taking all the evidence together on this point, it proves that a bold and criminal conspiracy was formed by republican leaders in Alachua County to cheat and defraud the honest voters of this congressional district out of their choice of a Representative in Congress and defeat the people of a great nation in their choice of a President. And the chosen agents of these foul conspirators, Black and Vance, to say nothing of Moore, who seems to have acted as a kind of figure-head in the matter, together with their more foul principals, executed their treasonable designs most effectively, so far as the Presidency is

concerned, as is well known by our whole people, and the facts will go down in history to be read by generations yet unborn as one of the blackest pages of American politics. It now, however, becomes the duty of this House to blot out as far as possible the effects of this great fraud upon the congressional election in this district by correctly deciding this case. I now call attention to the facts more nearly connected with the decision which we are about to make. This discussion has narrowed the issues in the case to three general propositions.

First. As to what the House will do in regard to the vote of Archer precinct No. 2.

Second. The question in regard to foreign-born voters.

Third. The questions arising under the registration laws of Florida. I will discuss these questions in the order named. I may state here, however, that if the question in regard to Archer No. 2 is decided by the House in accordance with the view taken by the Committee of Elections as set forth in the report of the majority, that will settle the case in favor of the contestant without regard to the other questions. This report recommends that the vote of this precinct be entirely thrown out. It is hardly necessary for me to say that I heartily concur in this. This being done, the contestant will have a majority of 252 after deducting all the illegal votes proven to have been cast for him in the district.

Now it is admitted, as I have said, that the returns of this precinct are false and fraudulent, and that we must look behind them for evidence to determine the true vote. The contestee and his friends insist that he has proven that he received 308 votes at this poll. It is true that the contestee examined 308 colored men, and most of them testified that they voted the republican ticket. But few of these people could read or write. They therefore had to depend upon others as to the kind of tickets they voted. Some of them received the tickets which they voted from persons who could neither read nor write, thus making it impossible to prove how they voted. By examining their evidence it will be seen that they all testify that they voted the "straight republican ticket," leaving the inference that they had been trained as to what they should testify. Many of them state that the names of Hayes and Wheeler were on their tickets. But an examination of the only kind of ticket used at this poll shows that they were mistaken.

The evidence shows that they did not know who they voted for. But the contestee in his argument starts out with the proposition that these 308 votes must be counted for him, and that no votes must be counted for the contestant. This he assumes to be the law, for the reason that the returns must be disregarded on account of fraud, and because these his witnesses have testified that they voted for him. He says that the majority of the committee refuse to count those 308 votes for him solely and exclusively upon the ground that the contestant did not prove his vote at that poll. I deny this statement made by the contestee. He does not state the position of the majority of the committee correctly. And his statement if not intended to mislead, is calculated to do so. It is not, as the gentleman says, on account of the failure of the contestant to prove the vote which he received, that we refuse to count this vote. But it is because the whole evidence in the case fails to prove what the true vote is. And we contend that the true vote of said precinct must be proven by the evidence or none can be counted for either party. When the returns are set aside because they do not speak the truth, you must substitute the truth in their place by other evidence.

The contestee says that the time was when the plaintiff failed to prove his case that judgment went against him. "But," he says "I propose to reverse this rule," and says because the plaintiff has not proven his case judgment is to be rendered against the defendant and for the plaintiff. This statement of the case by the contestee might mislead a country justice of the peace in Florida, but it will not mislead this House. This case is not like an ordinary suit in court in this particular, and if it were the vote of this precinct would be but one item in the declaration; and if the plaintiff proved all the other items therein, as the contestant has done in this case, he would take judgment. But that is not this case.

In *Chrisman vs. Anderson*, 1 Bartlett, 328, it was held to be the duty of the House in the investigation of an election contest to go behind all returns for the purpose of correcting mistakes.

McCrory on Elections, section 174, says "it is the duty of the party seeking to avail himself of a vote which is not legally certified or returned to make the necessary proof to supply the place of the usual formal certificate and return, and if he fails to do so such vote cannot of course be received." Again, on page 220, the same author says that the entire poll should not be rejected except when it is impossible to ascertain with reasonable certainty the true vote. Again, on page 230, section 304, the same author says:

The question is not whether a single legal vote has been polled, but whether the voice of the majority has been fairly expressed.

Therefore, as in this case, it is not whether 308 votes were cast for the contestee at this poll, but whether by counting them for him the voice of the majority will be fairly expressed. All must admit that it would not. Again, on page 331, section 437, McCrory says:

The returns may be rejected as fraudulent, and yet the true vote may, in some cases, be ascertained; and when it can be ascertained, independently of the rejected returns, the law requires that it be respected and enforced. When the true vote cannot be ascertained, either from the returns or from evidence *abundante*, the vote of the precinct is to be rejected.

This is the rule on this question as laid down in all the books, and I defy the gentlemen on the other side to point to a single authority of respectability in conflict with it. They have failed to do so, and the reason is because they cannot do it. Upon this rule of law, and the evidence touching this precinct, rests the report of the majority. And yet the contestee in his argument says that—

The vice of that decision is that a majority of the committee proceed upon the theory that after the return is rejected as evidence of the vote cast you cannot count any votes for either party unless the true vote of each party shall be established by other evidence. All the authorities establish this, and there is none to the contrary.

The authorities which I have cited are squarely to the contrary. And the gentleman has not cited a single authority to sustain his position, and he cannot do it. The gentleman having asserted this to be the law, is evidence to my mind that he desires to escape justice by misleading the House, or is exceedingly ignorant of the law. The gentleman from New York, [Mr. LAPHAM,] for whose opinion I have great respect, falls into the same error. It only shows how easily a lawyer may be mistaken as to what the law is on a given question when he has not examined it for himself but relies upon others for his law, as I suppose he must have done in this case. I cannot believe he would have been so greatly mistaken if he had examined the question. I have examined more than twenty authorities on this very point, and they all agree with the rule laid down by McCrory.

If the evidence proved that only 308 votes were cast at this poll, and the evidence of the witnesses who state that they voted for contestee was all the evidence on this point, then it would perhaps be right under the law to count the 308 votes for the contestee. But, unfortunately for the contestee and the gentlemen who assume his position, this is not so. The evidence tends as strongly to prove the fact that more than 308 votes were cast at this poll as it does any other fact in regard to it. When the votes were counted, the proof is that R. H. Black, one of the inspectors, announced at the window that the vote cast for the republican candidate for governor was 180 and for the democratic candidate 136, and that there was not more than two or three votes difference between the candidates for governor and the candidates on their respective tickets for the other offices. The evidence shows that this announcement was made at the window two or three times. That the announcement was made cannot be doubted. The law of Florida, however, does not require the announcement to be made, and whether the announcement was true we do not know.

Green R. Moore, another inspector, says that Vance, the clerk, kept the poll-list and put the names of all who voted on said list, and that there were 318 votes cast, and that two of these were destroyed because two of the tickets were stuck together, making 316 votes which were counted. He also says that Black announced the true vote and gave it to Samuel C. Tucker. Tucker says that he was present when the tally-sheet was made during the count of the vote; that after the votes were counted he counted over the tallies with Vance and put down in a memorandum of his own the total footings of the tallies for each candidate; that Vance compared this memorandum with the tallies and said it was correct. Tucker makes this memorandum a part of his deposition. It shows that contestee got 180 votes and contestant 141 votes; in all, 321—13 votes more than contestee claims should be counted at this poll.

Thomas H. Vance says that he kept the tally-sheet, counted the names on the poll-list, and there were 535; says Black counted the ballots and agreed with him that there were 535 votes cast at this poll. He says that announcement was made at the window of the vote, and a certificate was made out and signed, which showed that contestee received 398 votes and contestant 137 votes, making a total vote of 535. Black also swears that the total vote was 535. He says that of these there were 399 republican and 136 democratic votes. All the evidence tends to prove that more than 308 votes were cast at this poll. And all the evidence taken together does prove that more than that number were cast.

Black and Vance, both republicans and friends of the contestee, took possession of the ballot-box, returns and all the other papers, and went to Black's house near where the election was held and staid there until about two o'clock the next morning, when they took an extra train on the railroad and went to Gainesville, the county seat, arriving there at four o'clock. And the evidence shows that Black was seen soon after they arrived going with the ballot-box in the direction of L. G. Dennis's house, the gentleman whose affidavit I have already referred to, and who lived in Gainesville. It is proven that Black and Vance refused to let democrats stay with them at Black's house and see that the returns were not interfered with. Democrats expected that this would be done. They believed, as the evidence shows, that Black was capable of doing anything in the interest of his party, and that Vance would assist him. And it is admitted by the contestee and his friends in the argument that these men did make a false and fraudulent return of the vote of this poll by adding a large number of votes thereto in favor of the republican candidates. But even this return gave the contestant 141 votes, and it is not to be presumed that these political friends of the contestee would return more votes for the contestant than he actually received.

The presumption is the other way. I have now devoted as much time to this branch of the case as my time will permit. I will say,

however, that it is clear from the proof that there were more than 308 votes cast at this poll; that the contestant got somewhere between 136 and 141 votes; that from the evidence it is impossible to ascertain the true vote. Therefore, under the rules of law, the entire poll must be thrown out. This settles the case in favor of the contestant. I will now call attention for a short time to the

Second proposition. This arises out of the construction to be given to the first and third sections of the fourteenth article of the constitution of the State of Florida. The contestee alleges that 80 votes were given in the district by persons who were alien born, and that they did not at the time they voted present certified copies of their naturalization papers, nor of their declaration of intention to become naturalized. By examining the evidence it will be seen that all of these voters had either been naturalized or had declared their intention to become so, except one who voted in Alachua County and six who voted in Duval County. The evidence further proves that these voters were not challenged, and were not requested or required to produce their papers at the time they voted. The question then is whether upon this state of facts these persons were qualified voters under the constitution and laws of Florida. Section 1 of the constitution above referred to reads as follows:

SEC. 1. Every male person of the age of twenty-one years and upward, of whatever race, color, nationality, or previous condition, who shall at the time of offering to vote be a citizen of the United States, or who shall have declared his intention to become such in conformity to the laws of the United States, and who shall have resided and had his habitation, domicile, home, and place of permanent abode in Florida for one year, and in the county for six months next preceding the election at which he shall offer to vote, shall in such county be deemed a qualified voter at all elections under this constitution. (See acts of 1868, containing the State constitution, page 211.)

This section of the constitution defines the qualification of the voter, and the person who possesses the qualification prescribed therein has the right to vote at any election in the State of Florida, unless it is changed or modified by the third section of the same article, which reads as follows:

SEC. 3. At any election at which a citizen or subject of any foreign country shall offer to vote under the provisions of this constitution, he shall present to the persons lawfully authorized to conduct and supervise such election a duly sealed and certified copy of his declaration of his intention, otherwise he shall not be allowed to vote. And any naturalized citizen offering to vote shall produce before said persons lawfully authorized to conduct and supervise the election the certificate of naturalization, or a duly sealed and certified copy thereof, otherwise he shall not be permitted to vote. (Acts of 1868—constitution, sec. 3, pages 211, 212.)

In construing these sections such a construction should be placed upon them, if it can be done, as will make them harmonize with each other and with reason and justice. I think this can be done easily under the rules of construction. The first section is mandatory in its character, and must be strictly complied with; while the third section is merely directory, and therefore need not be strictly enforced. This distinction is well understood by lawyers in the construction of laws. If this construction be applied to these sections they harmonize with justice.

No one will insist that justice demands that the votes of these foreign-born persons, who at the time they voted possessed all the qualifications of voters under the laws of Florida, should be declared illegal simply because they did not exhibit certified copies of their naturalization papers or their declaration of intention to become citizens of the United States. They were neither requested nor required to do so by the election officers or any one else, as the proof shows. Therefore to say that their votes are illegal, depriving them of one of the dearest political rights of an American citizen, would be manifest injustice. The evidence shows that these voters possessed all the qualifications of voters. But it is insisted that because they did not present the proof of their qualification at the time they voted their votes must be declared illegal.

Again, the construction placed upon these sections should harmonize with the Constitution of the United States. And I suggest that the construction placed upon the third section by the contestee, by which construction he declares these votes illegal, is in conflict with the first section of the fourteenth amendment of the Constitution of the United States, which contains the following provision:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the States wherein they reside.

And—

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

The construction which I insist upon is in harmony with this section of the Federal Constitution and does justice to the citizen.

Moreover, this construction was the one given by the first Legislature in the State of Florida which convened under the constitution which contains the sections in controversy, and it is to be observed that many of the members of said Legislature were also members of the convention which framed the constitution. And this construction has been acquiesced in by every Legislature which has convened since that time. The first Legislature convened in 1868, soon after the adoption of the constitution. That Legislature, as I have already said, construed the third section of the constitution which we are considering as being merely directory, as will be seen by referring to the sixteenth section of the act which was then passed for the government of elections in said State. It reads as follows:

SEC. 16. If any person offering to vote shall be challenged as not qualified, by

any inspector, or by any other elector, one of the board shall declare to the person challenged, the qualifications of an elector. If such person shall claim to be qualified, and the challenge be not withdrawn, one of the inspectors shall administer to him the following oath: "You do solemnly swear that you are twenty-one years of age; that you are a citizen of the United States, (or that you have declared your intention to become a citizen of the United States according to the acts of Congress on the subject of naturalization;) that you have resided in the State one year, and in the county six months next preceding the election; that you have not voted at this election, and that you are not disqualified to vote by the judgment of any court;" and if the person challenged shall take such oath he shall be allowed to vote. (Pamphlet acts 1868, page 5, section 16.)

This section is still a part of the election law of Florida, and it is the guide to the officers of elections as well as to the voters. It is clear from reading it that the Legislature did not construe the third section of the constitution as mandatory; for by the language of the oath prescribed in section 16 it is evident that attention was given this very question by the Legislature; and it is provided that in case the voter is challenged, if he will take the oath therein prescribed, he shall be allowed to vote. He is not required by this section to present his naturalization papers nor his declaration of intent. This section has been acquiesced in ever since its adoption, I am informed, and the elections have been conducted in conformity with it; that foreign-born persons who possessed the qualifications prescribed by the first section of the constitution have always voted without first presenting their naturalization papers or their declaration of intent, &c. Thus we have a construction placed upon the third section by one of the co-ordinate branches of the State government and acquiesced in for more than eight years by the whole body of the people of said State, and which has never been questioned, so far as I have been able to learn, by any one until the question was raised by the contestee in this case. A construction placed upon a law of a State by one of the co-ordinate branches of its government should always be given due weight in the construction of said law. We think the construction which we have given the third section is right, and we stand by it.

Third. The next and last question in this case is the one arising out of the election law of the State of Florida. The seventh section of that law provides for the registration of the voters in the several counties of the State and the manner of doing the same. The clerk of each county is required to prepare a suitable book or list in which the name of every voter must be registered. No person is entitled to vote unless he has been once registered in the county where he offers to vote.

But the county commissioners of each county are, under the law, required to meet at the clerk's office of their respective counties within thirty days next preceding the day on which any election shall be held and examine the list of registered electors and erase therefrom the names of such persons as are unknown or may be shown to have died or ceased to reside permanently in the county or otherwise having become disqualified. This provision of the law gives the county commissioners a broad discretionary power, a power which might be exercised in such a way as would deprive the elector of his right to vote, were it not for another provision of the election law, which says that when an elector goes to cast his ballot and his name is not found on the registration list, if he will take an oath that he has been registered and that his name has been improperly struck from the list of registration, he shall be entitled to vote. The contestee insists that a large number of persons voted at this congressional election who had never been registered in the counties in which they voted. If a person votes at an election his vote is presumed under the law to be legal until the contrary is proven, and the burden rests upon the party who attacks it to prove its illegality, for the reason—

First. That the presumption is against the commission of an illegal act, and therefore that a man would not cast an illegal vote.

Second. That the acts of an officer of an election within the scope of his authority are presumed to be correct and honest until the contrary is made to appear, and therefore that he as such officer would not receive an illegal vote. (McCrary on Elections, section 8-440; Little vs. Robins, 1 Bartlett, 138. Gooding vs. Wilson, Forty-second Congress.)

The burden rests, then, with the contestee to prove that these votes are illegal; he having asserted the illegality, he must prove it; and he undertakes to prove that they are illegal by introducing in evidence what purports to be certified copies of the registration lists of the counties, and also of the poll-lists of the several precincts in which these alleged illegal votes were cast, and he invites a comparison of the names on each, and he insists that all the persons whose names appear on the poll-lists as having voted, but whose names do not appear on the registration-lists of their respective counties as having been registered must be held illegal. This seems to be the correct manner of proof. But when we come to examine the evidence upon the subject we find that it is insufficient.

Take Hamilton County. It is claimed by contestee that there were 130 illegal votes from this cause cast in this county. The certificate of the clerk reads as follows:

I, Robert L. Stewart, certify that the foregoing lists of names are true copies of lists as near as I can make them, &c.

This is a fair example of the certificates of the clerks to these registration lists. The truth seems to be that after the board of commissioners of these counties had been for years going over these registration lists, just before each election, erasing such names as they deemed proper, they left them in such condition as to make it almost impossible to ascertain the names which they erased therefrom. The

law makes no provision for preserving the names erased by the commissioners from the registration list, other than the list itself after the erasures have been made. Hence the difficulty at getting at the truth through a certified copy of these registration lists. The contestee undertakes to avoid the difficulty by employing two persons to examine these lists. He makes witnesses of them. They testify that they spent two months and more examining certified copies of said lists. And they pretend to state from this examination the number of illegal votes cast in these counties. Their evidence as to what these records contain cannot be received. The records must be produced in evidence, they being the best and only evidence of their contents.

No lawyer will insist that oral evidence is admissible to prove the contents of a record which record is in existence. In some of these counties where it is insisted that illegal votes were cast upon this ground, the registration lists have been lost, and in one county it had been burned. New lists, therefore, had to be made; and no one can tell whether the names of all those who had been on the lists lost or burned have ever been placed on the new lists. And, as I have said, all persons who have ever been registered, if they possess the other qualifications, have the right to vote by taking the oath that their names have been improperly erased from the registration list.

There is one other point in the evidence to which I wish to call attention. On some of the poll-lists are found to the right of the name of a voter the words "not sworn." The contestee insists that whenever these words are so found, and the name of the voter is not found on the registration list, that his vote is illegal. No lawyer will agree with him for a moment after examining the law. The law of Florida does not require the election officers or either of them to write these words or any other after the name of the voter on the poll-list, whether said voter was sworn or not. It is not, therefore, an official act, and cannot be regarded as evidence of the fact that the voter was not sworn.

There is a way by which the contestee might have proven that these voters were not sworn at the time they voted, if such was the fact. He might have put the voters themselves upon the witness stand and made them testify whether they were sworn or not, or he might have proven it by the officers of the election where they voted, or by any by-stander. But he has failed to do so. This mode of proof would have been perfectly legitimate. And the fact that the contestee has failed to avail himself of this evidence, which would have been so easily obtained, is a strong circumstance against him.

The evidence, at all events, is insufficient to prove these votes illegal. But again, if you take these votes and the votes of the foreign-born persons and admit that they are illegal, which I deny, still the contestant is elected; for it must be borne in mind that the proof does not show for whom these votes were cast for Congress. They would in that case, under the rule laid down by some authorities, have to be deducted from the vote of each candidate in the proportion which that vote bears to the whole vote in the election division wherein such illegal votes were cast. If this is done, still the contestant is elected. But the true majority of the contestee, Mr. Finley, after deducting all illegal votes, is 252.

Administration of the Mint Bureau.

SPEECH OF HON. JOHN M. GLOVER,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 3, 1879,

On the evidence concerning mints and assay offices, reported by the Committee on Expenditures in the Treasury Department.

MR. GLOVER. Mr. Speaker, "Of the dead say naught but good" is an olden maxim, born of the holy spirit of forgiveness; but when sympathy is partial or narrow it oft works great harm. To speak gently of the dead is kindly; but to praise their lives without reserve, to write them wholly praiseworthy when such they were not, is to be guilty of falsehood, to destroy the moral force of example, and to encourage their successors to repeat their faults.

The death of Dr. Henry R. Linderman, Director of the Mint, while an investigation of the conduct of the mints and assay offices under his administration was in progress under an order of this House, is held by some to require the suppression of the facts ascertained by the Committee on Expenditures in the Treasury Department in tenderness for the memory of the dead and for the hearts of the bereaved. With this my own heart accords; the more as my personal acquaintance with the deceased was pleasant and his behavior toward me courteous and often cordial.

Yet there is a broader sympathy than that which knows but the feelings and interests of the relatives and friends of the deceased. The Egyptians, whose empire passed ages since and left but a host of monuments to tell of the "world that died before our history was born," had a way to treat the dead which contained much wisdom. A solemn court was held over the corpse; the deceased's virtues and misdeeds were inquired and set down, and the judgment of his character and life was made on his record.

In our age, when ceremonies bear small weight, such a proceeding

is needless; but by simpler modes the same process should go on, and the judgment of society on a man's life should be justly made up on facts. Let his virtues be praised; but let his faults be truly shown, that others may not copy them.

Peculiarly is this the case with men in high public station. Here indiscriminate praise is a crime; for, when young and rising men see wrong-doers held up as shining examples, the misdeeds of public men tend to be constantly repeated. Every man in public life should feel that he will be held to a strict responsibility for his acts, and that he will take his place in the history of his country not according to the charity extended to the dead, but according to the changeless verdict of truth. Only so can public morals be thoroughly upheld.

Beside, it should be remembered that investigation of the conduct of the executive branches of this Government by committees of the supreme power is not for the trial or conviction of any one. It is to learn wherein the laws and the practices under the laws work badly, and wherein they should be corrected. To give the people the truth about their Government; to thereby enable wrongs whereby the people uncomprehending suffer to be known and stopped or righted; this is the high duty of the committees charged by Congress with the work of investigations. Without full and honorable doing of this work executive officials become irresponsible, despotism will supplant freedom, and the happiness of forty-five millions of people will be destroyed. In sympathy, then, not only with the friends of a departed man, but with the thousands and the millions who have suffered and hereafter may by the wrong administration of a great public office, has the committee of which I have the honor to be chairman worked, and in that spirit, having presented to the House the evidence found, do I now discuss it.

So far as I know, the great establishments and immense operations of the mint service, embracing five mints and four assay offices, which perform not only coinage, but melting, refining, assaying, bar-making, and engraving of dies; embracing thus the labors of seven hundred officers and employes; cash receipts of between \$3,000,000 and \$4,000,000, coinage of over \$50,000,000, and bullion transactions of over \$100,000,000 yearly, and coinage since 1793 of about \$1,300,000,000, have never before been scrutinized by a committee of Congress, and during most of the time the supervision exercised by the Secretary of the Treasury—a greatly overburdened officer—and the Director of the Mint has been merely nominal, as indeed it could hardly but be, considering the distances that separate the parts of the establishment—hundreds and thousands of miles.

Hence it was to be expected that irregularities would occur and that abuses would grow up, and such has been the case. The committee obtained information of numerous irregularities, and two responsible gentlemen presented written charges against the Director; but so large was the mass of details and papers that must be examined to ascertain the facts, so pressing were the other duties of the members of the committee, so short was the time at their command, so bitter was the spirit shown by those whose acts were questioned toward all who dared to aid the committee's inquiries, and such were the facilities and the anxiety for concealment that no course was open but to examine and report on only a few of the many matters which plainly needed sifting.

The lateness of the day, March 7, 1878, whereon the committee were empowered to secure the services of a clerk and experts made an additional difficulty; for it is impracticable for members of Congress, unfamiliar with the technical details of such an establishment, to go through a maze of documents, accounts, and conflicting testimony, within the time commonly allowed, unless the clews are furnished them by men conversant with the details of administration. The failure to get an opportunity under the rules to report for passage by the House resolutions authorizing the committee's sitting during the sessions of the House and sending subcommittees to points where the facts could be readily ascertained without the expense and difficulty of bringing witnesses and papers to Washington from distant places; this result of the rules in their present form also heightened the difficulty of arriving at satisfactory ascertainsments. There was no lack of information; but there were great obstacles to obtaining the proof of this information's truth or falsity, and powerful influences were at work to interpose every barrier.

In the employment of experts the committee were fortunate, and particularly so for this purpose in being able to retain the services of Mr. George W. Edelman, a retired mint officer who had served thirty-five years in that capacity, the last twenty-six years thereof being devoted to the duties of deputy treasurer of the New York assay office, where he had honorably distinguished himself by successful resistance to improper practices. Since his retirement he had rendered valuable services, without compensation, to the House Committee on Appropriations; and he was strongly recommended to your committee by the Speaker and others, was designated as one of the experts of the committee, and instructed to examine the accounts and records of the Mint Bureau at Washington and of the New York assay office, and to call the committee's attention to anything which he deemed improper. The clerk of the committee, Mr. J. A. Dugan, an accomplished accountant, and the other expert, Mr. J. K. H. Willcox, also aided to some extent in these inquiries. Mr. Edelman promptly set to work; and, though most unjustly assailed both before the committee and in a portion of the press, bore himself throughout the inquiry with a courage, industry, judgment, and patriotism worthy of high credit.

It soon grew clear that the then Director of the Mint, Dr. Henry R. Linderman, had done acts which were very questionable, and which needed careful scrutiny. As his term of office was about to expire, and as the President would soon have to decide whether he should be nominated for reappointment, the committee mainly gave attention to such of these acts as could readily be inquired into. In pursuance of a general understanding previously had with the President by the chairman of the committee, the former was promptly advised that the Director's acts were under inquiry, and he accordingly delayed the making of a nomination till the result of that inquiry should be known. The results are contained and briefly summarized in the evidence presented by the committee to the House; but that evidence needs some comment to be fully understood.

The "statistical tables" of the history of the mint operations, prepared by Martin V. Davis, and published as Appendix XXI to the Director's report of 1877, were found to misrepresent the facts in many important respects, and none but frivolous excuses were offered.

A matter of especial moment was the recovery of bullion above the amount charged to melters and refiners, or the failure to recover and the making of a wastage. The surplus gold is derived from three sources:

1. Many deposits of silver contain gold in quantities too small to exceed in value the amount of the charge for parting it from the silver, which was one and one-half cents per ounce of silver and upward till April 1, 1878. Hence all gold less than one-thousandth of any deposit of silver was not credited to the depositor nor charged to the melter and refiner. Deposits of silver containing these small amounts of gold, when carefully handled and added to ordinary gold bullion, which requires an addition of silver to be melted with it in the granulating process preparatory to its treatment with acid, will yield up these amounts of gold, which are thus recovered with the gold of the regular gold deposits. For instance, a silver deposit of 4,800 ounces, six-thousandths whereof are gold, will under this treatment yield 2.88 ounces of pure gold, worth \$59.53. Two hundred such deposits thus treated would yield \$11,906.

2. The mint regulations require that gold shall not be parted from silver for the depositor in any deposit, even if its value exceeds the parting charge, unless its total value is over \$1. For instance: A deposit of 60 ounces of silver, the parting charge whereon would be ninety cents, might contain ninety-five cents' worth of gold. This the depositor would not get, but when such silver is added to gold bullion and treated as above described, the melter and refiner recovers this ninety-five cents' worth of gold. In one thousand such deposits of 60 ounces each he could recover gold worth \$950.

3. Where the gold is less than the two-thousandth part of the weight of the deposit, it is not reported by the assayer. A deposit of 4,800 ounces, containing nine hundred and eighty-five thousandths silver and ten and three-tenths thousandths gold, will be reported as containing ten thousandths gold. The three-tenths of a thousandth remaining is not credited to the depositor, but in very careful working is recovered, and in this case would amount to 1.44 ounce pure gold. When the gold in this deposit, which weighs 49.44 ounces, is returned in a fine-gold melt by the melter and refiner to the superintendent, if the fineness by rigid assay is nine hundred and ninety-eight and three-tenths thousandths, (nearly every melt containing some small portions of other substances, even after refining,) it is only reported as nine hundred and ninety-eight thousandths fine. The loss on the gold of three-tenths of a thousandth is on 1.44 ounce only .015 of an ounce, which leaves 1.425 ounce clear gain to the melter and refiner's account. Four hundred such deposits yield another large surplus. However, a little carelessness in working will turn the surplus into a wastage. Three-tenths of a thousandth of gold left unrecovered in 3,000,000 ounces of fine silver bars would be 900 ounces fine gold lost instead of recovered, or wastage instead of surplus; and if a melter and refiner were so disposed, he could by mixing a deposit of silver containing gold in melting, and then failing to recover, give one depositor the benefit of gold belonging to the other.

The surplus silver, which is of but small value, is obtained in the same way by saving small amounts contained in gold bullion.

In the statement of earnings and expenditures of the mints and assay offices for the fiscal year 1877, in the body of his report, the Director gives no credit to any mint or assay office, not even San Francisco, for surplus bullion recovered; and the table conveys the impression that there was no such saving or gain anywhere. Examination of the books of the New York assay office revealed the fact that the melter and refiner, Mr. Andrew Mason, an officer of thorough faithfulness and capacity, to whose "very great skill and care" Director Linderman testified, had turned into the Treasury \$14,327.33 surplus bullion recovered in refining, which was hidden under the item of "parting, refining," &c., that item being a lump sum of \$99,137.66.

On inquiry why this course was pursued a letter was produced from R. E. Preston, to whom Dr. Linderman had temporarily intrusted the duties of Director, instructing the superintendent of that office in effect to discontinue reporting the recovery of surplus bullion by the melter and refiner, and to deposit the amount in the Treasury as money earned by parting and refining, for the expressed purpose of concealing from Congress and the public the fact that a surplus instead of a wastage occurred, and an avowed reason was

that publication of the fact embarrassed the mints at Philadelphia, San Francisco, and Carson, which habitually reported wastages of bullion instead of recoveries. Thus steps were deliberately taken to deceive Congress, the Secretary of the Treasury, and the country as to the management of the entire mint service by hiding the fact that large amounts of bullion were saved at New York, and that if the management was equally good elsewhere other large sums could be saved.

Instead of giving proper credit to an officer who had honorably distinguished himself by exceptional fidelity and thrift, he is discouraged by concealing his creditable management and forcing him to appear on a par with those to whom he is an example; while at the same time the mint which since 1854 has done more than half the entire minting, and which has especially been signalized by corruption through nearly its whole existence—that at San Francisco—is allowed to understate its expenditure. The surplus returned by the melter and refiner at New York and thus concealed was, in 1876, \$24,793.20; 1877, \$14,327.33; 1878, \$25,179.58; total, \$64,290.11; all which was concealed in this way. The wastages, 1873-78 inclusive, in the mints and assay offices are reported at \$126,336. What has become of this amount is an interesting question which the committee have not had time to pursue. The suppression of surplus goes further. In the table of "earnings and expenditures of the New York assay office, 1854 to 1877," the wastages for these twenty-three years are stated at \$50,030.88; but no mention is made in the receipts of the melter and refiner's recoveries, which in the same time were \$192,993.

It was indirectly sought to palliate this suppression and this discouragement of exceptional care and fidelity by saying that there must of necessity be an actual loss of precious metal in parting and refining, and that so large a surplus must be obtained in part at the expense of depositors; but the New York experience shows that there need not be a loss of value in refining. The surplus is simply the small fraction above the amount of bullion wherewith the melter and refiner is charged. Hence where the melter and refiner returns no surplus, the depositor thereby does not gain, while the Government loses. The depositor makes deposit knowing that the regulations do not allow him the surplus; hence the assertion that such surplus must be obtained in part at the expense of depositors is incorrect. Were it true, the proper course is to instruct the assayer to be more precise, not to give inducements for the melter and refiner to be less so. Yet this latter course has been pursued, and the superintendent of the New York office writes to the Director that "the large surplus annually recovered by the melter and refiner could bear reduction without detriment to his reputation or that of the office."

Another reason assigned by the Director for suppressing the surplus is that the appropriation acts for 1877 and 1878 required the New York assay office refinery to be self-sustaining, and allow the surplus to be regarded and used as earnings for that purpose. To make that refinery self-sustaining, however, it was not needful to conceal the sources of its support, nor the fact that the refinery was obtaining considerable sums in the conduct of its operations. The authority, moreover, for treating the surplus bullion as part of the earnings does not appear in the quotations made from the law in the Director's report of 1877. That law simply authorizes the use of the charges collected from depositors for refining bullion to defray the entire expense of such refining. As the surplus is not obtained from the amount lawfully due the depositor it is not properly a charge. That it was not designed to be treated as earnings is further shown by the authority given by the law to raise the charges to any point necessary to cover the cost of parting and refining. Mr. Davis states that in his tables the surplus is included in "deductions from deposits," but this is an improper account of the money, and is simply a concealment. He says that he merely reproduced a statement made by the New York assay office; but the Mint Bureau should correct errors made by the offices.

An argument strongly urged for the creation of the Mint Bureau was that it would reform the management of the various branches of the mint service. The foregoing facts indicate that its influence has been used in the opposite direction. Mr. Davis omitted from his statistical tables a wastage of \$10,954.56 at the Philadelphia mint in 1850, which settlement was not detailed on the work-books of the operative departments and was hence omitted from the second table, which is a history of settlements. But this item, added to the total of the second table, leaves a difference of \$6,596.45 to be explained, and also leaves to be explained the fact that the wastages in the two tables differ for every year from 1850 to 1867, indicating frequent differences between the work-books and the ledger. Mr. Davis says that the regular accounts had very often been corrected and altered, and that these corrections and alterations were not made on the work-books; but it is not clear what corrections and alterations could properly be made after settlement had taken place and an account had been closed. These facts do not appear to justify the publication of disagreeing figures about the same transactions without reconciliation or explanation.

According to Mr. Davis, the accounts of mints and assay offices before 1873 were very badly kept. He says that the Secretary of the Treasury had never called on those concerns for statements of their earnings and expenditures, and that on the establishment of the Mint Bureau it was found almost impracticable to get correct statements of this kind rendered, omissions and misstatements being frequent.

He thinks that of late success in this respect has been attained; but in view of the character of his results, as heretofore detailed, this is rather doubtful. He testifies, in effect, that he expected that his published tables would contain errors.

The time allowed did not enable the committee to ascertain the precise meaning of the suppression from the yearly reports of 1873-75, inclusive, of \$266,000 receipts, and from those of 1873-76, inclusive, of \$572,000 expenditure; but these facts were ascertained beyond question, and no explanation was obtained; for frivolous excuses or admissions of gross carelessness, whether true or not, are not explanations. Mr. Davis and the Director say that it was almost impossible to get correct statements from the various establishments.

Mr. Davis's table gives no indication that its figures have been altered from those of the yearly reports, nor does it state any occasion for such alteration; nor do his statements anywhere suggest that they have been hastily prepared or will need further revision. On the contrary, the Director says, in his report for 1877, "These statements are believed to present substantially a correct history." Director Linderman certainly helped to conceal a bad condition of things, even though he tried to improve it. In his report for 1873 he praises the officers, assistants, and clerks of the mints and assay offices, the very men whom he and Mr. Davis now acknowledge were at that time very remiss in keeping and rendering their accounts, and whom he was trying to bring into regularity, "for faithful and efficient discharge of their responsible duties," and speaks of all the officers without exception as "well qualified for their respective positions." From no report of his could it be learned or suspected that anything whatever was wrong in the mint service.

To produce on Congress, on the Committee on Appropriations, on the Committee on Expenditures in the Treasury Department, or on other committees which might be disposed to investigate, an impression that the mint establishment was conducted less expensively than it really was, facts could be suppressed and later quietly incorporated in tables which, being supposed to be purely statistical, would attract slight attention; and if it was complained that any item had not been reported the statistical tables could be pointed to as containing it. The year wherein \$306,12.40 were suppressed from the Director's report of expenditures (1876) was one of a presidential election; one wherein the mint appropriations were closely considered and largely reduced; one wherein the conduct of executive officers was scrutinized by Congress as never before; one wherein Congress continued in session six weeks beyond the close of the fiscal year, and the one from whose receipts the reclamation of \$9,067.81, hereafter referred to, was paid and concealed. The suppression of the expenditure of over \$300,000 just before a presidential contest and its acknowledgment in an unnoticeable way the next year are certainly remarkable.

On the whole, Mr. Davis's tables are of small value except as scrutiny obtains clues from them, and they tend to mislead. Considering their nature, the \$500 paid him for preparing them and about \$500 more expended for printing and publishing them must be regarded as a loss to the Government. Perhaps the best comment on the matter is that, despite an expressed design to reproduce them yearly in future, they are dropped from the report of the Director for 1878, made since this investigation was begun.

It is noteworthy that no annual report of the Mint Bureau contains any account of the appropriations made for the mint service during the fiscal year, of the expenditures from those appropriations, of the transfers (if any) from one appropriation to another, nor of the unexpended balances. Nor do the reports show how much bullion was purchased on Government account, what price was paid for it, the parties from whom it was bought, the terms of purchase, the length of time between purchase and coinage, nor the amounts on hand at opening or close of the year. They do not state the amounts or prices of other materials, tools, or machinery bought during the year, nor the names of parties furnishing them. They do not exhibit the disposition made of gains and earnings, nor of the coin struck. They furnish no copies of the annual settlements of the mints and assay-offices, nor of the quarterly settlements of the Director. They fail to detail the cost of any particular kind of work done. They omit to give the number of persons employed, their duties, or their rates of pay. They give no information of the kind, amount, or value of machinery, furniture, or other property of Government on hand in the custody of the mint service, nor of the amount of such property consumed or sold, nor of the disposition made of the proceeds of such sales.

A practice of making loans on deposits of gold bullion at the New York assay office has long existed. When the bullion has been melted and refined, and the value has been ascertained and stamped on the bars, there is no objection on the ground of risk to this. The mint may not be able to coin the deposit for some days, and the depositor naturally is unwilling to lose the interest on or the use of a considerable amount for that time, so the Government takes the bars and lends him in their stead coin which it already has on hand, or coin certificates of deposit to the extent of 99½ per cent. of the ascertained value, the other ½ per cent. being retained as coinage charge. But he is at liberty to request that his bars be withheld from coinage till he directs it to be made, to leave them on deposit indefinitely, or to deposit when the work is behindhand, and thus to reserve to himself at the same time that he uses in the markets 99½ per cent. of the assay value of the bars the privilege of returning the coin and

shipping the bars to any other market where he can dispose of them to advantage.

Thus, in addition to the practice of issuing to depositors receipts of weight before melting, which receipts pass by indorsement, and thus serve the purpose of bank-notes, the assay office becomes a banking institution, making loans on collateral security, but derives from such loans no interest or profit. It, however, sometimes loses by such transactions; for when the bars have been again melted and afterward coined, the owner can decline to take the coin, can return the coin he has borrowed, and receive bars equal in value to those he deposited. This being done, the Government is left to pay for coining the bars he deposited, and he has had the use of the coin without interest, while at the same time his bullion has been safely kept for him without charges for storage or insurance. Except these losses and the unfair competition which the Government thus makes with banking institutions and brokers, whose business it is to make loans on security and to store and deal in bullion, there is no especial harm in this; for every bar being stamped with the amount of gold it should contain, it can, should its genuineness be questioned, be promptly weighed and thus decisively tested. Effort is at times made to characterize such transactions as purchases of bullion by the Government for coinage; but the facts just mentioned show that they are more than purchases. From February 16, 1866, to February 11, 1870, three hundred and thirty-eight such loans were made.

The mint or assay office thus not only becomes a banking institution, but to some extent a storage warehouse and an underwriter, without receiving any payment for storage or insurance, the interest on capital invested in buildings, stock, and weapons of defense, and the pay of guards, which is a tax on the people; it bears these charges for the benefit of depositors, who at the same time get the use in the market of 99½ per cent. of the worth of their security without paying interest. It may be said that this receiving of deposits in advance is unavoidable in order that depositors shall get their metal refined or coined in their turn; but this can be arranged by keeping a register of applications for deposit and calling for each deposit when the office is ready to handle it.

This practice received in 1866 a most improper perversion. Bullion is often merely melted into bars for convenience of carriage without freeing it from the base metals which are mixed with it, and without parting the silver from the gold. The custom grew up when H. H. Van Dyck was assistant treasurer at New York, and ex-officio treasurer of the assay office, of advancing coin to the depositors of these unparted bars. As such bars and other unassayed bullion have no fixed value, the percentage of gold in them being unknown, it is very dangerous to lend money on them as security unless the loans are so small a part of the supposed value as to make them undesirable. A number of firms—that of Balling & Sanders being apparently the chief—engaged in the business of obtaining advances on unparted bars. As these bars have no standard weight, but vary greatly according to the proportion of silver and other metals they contain, their purity or genuineness cannot be tested by weight, nor by any other means but assay. In March, April, and May, 1869, 311,400 of these unparted bars were deposited at the New York assay office, whereon large advances were obtained.

This is a wholly improper practice, for advances could thus be obtained on counterfeit bars made of gilded lead or iron. Though there is perhaps less danger of the Government losing by this means than would at first be thought, because deposits of unparted bars come as a rule from bankers or other known and presumably responsible persons, no reason appears why an entire stranger could not take to the office a deposit of counterfeit bars, get an advance of a considerable sum, and disappear, leaving the Government to discover and suffer by the fraud. In fact, by collusion with officials, counterfeit bars could be substituted for genuine ones, as it is publicly reported was lately done in Bordeaux, France, with two hundred and sixty thousand bars, and by a little care, so long as the office held a considerable stock of unparted bars, this fraud might go undetected even for many years after the guilty parties had died or fled. But much the shrewdest way would be to obtain loans by the deposit of gilded counterfeit bars.

By so doing the Government would make loans without any real security, and the borrowers would obtain the use of large sums of public funds without paying for their use and without furnishing security. So long as the money was successfully used detection would be very unlikely; but if the operator should lose the money in the course of his speculations, he might be unable to return it. In such case the Government would be the real loser, for the security held by it would be worthless; though as just pointed out the loss might go for years undiscovered, till the particular bars came to be melted. If those bars were finally withdrawn and the coin returned the fraud would probably never be detected; and it is not without significance that among this mass of unparted deposits in the spring of 1869 several boxes of bars are known to have been made the subjects of loan by the assistant treasurer before they were deposited in the assay office, were put in the office vault, kept there some time, and then returned to the depositor on his repaying the loan.

When it is remembered that in the spring of 1869 gold rose and afterward fell, it is clear that an advance thus obtained might be used in the market at a large profit and afterward replaced; while if gold had failed to fall the trick would not have been detected as

long as those particular bars remained on hand; and a request not to melt them would under ordinary circumstances postpone their melting until arrangements could be made for replacing the coin and withdrawing the bars. This practice of making loans on unparted bars was broken up in 1869 by George W. Edelman, deputy treasurer of the assay office, who, when called on by Secretary Boutwell to renew his official bond on the occasion of General Butterfield succeeding H. H. Van Dyck as assistant treasurer, refused to do so unless this practice was abandoned.

The practice was revived after Mr. Edelman resigned, under instructions from the Director, October 14, 1873, as far as British bars and sovereigns were concerned, and such advances were made till 1877. The telegram to the superintendent, giving authority to make these advances (called by the superintendent "partial payments") on deposits of British gold before assay, states that the practice "will be continued till it may be demonstrated that sound policy requires a change." That "sound policy required a change" appears to have been "demonstrated" about the time when it became known that the Committee of Ways and Means would report to the House resolutions giving this committee power to send for persons and papers, and directing it to examine the affairs of the Treasury; for on December 3, 1877, the authority was revoked.

The result of this part of the inquiry is somewhat remarkable, from the fact that Director Linderman, Thomas C. Acton, superintendent of the New York assay office, and Joseph M. Floyd, Acton's chief clerk, combined in an effort to destroy the confidence of this committee in Mr. Edelman's character and testimony as an expert in mint matters, by impressing on the committee the false belief that Mr. Edelman, when deputy treasurer, approved these loans on unassayed bullion. Director Linderman wrote to Superintendent Acton March 23, 1878, soon after Mr. Edelman began, at direction of the committee, examining the New York records, requesting to be informed by whom the amounts advanced were indorsed and whether any vouchers were on file in the Treasury at Washington, or elsewhere, showing the nature of the transactions. March 26 Acton replied, stating that from July 1, 1869, to February 11, 1870, the advances were approved on the face of the yellow tickets which served as vouchers by George W. Edelman, deputy treasurer. In proof of this he transmitted three hundred and thirty-eight yellow tickets. The letter making these allegations was written by Joseph M. Floyd, chief clerk of the New York assay office, and signed and transmitted by Acton. Mr. Edelman, however, showed that the practice of making advances on unparted bullion had ceased before he began approving advances, and when Floyd, Linderman, and Samuel H. Graham, weigh clerk at the New York assay office, were on the witness stand they could not point out one voucher for an advance on unparted bullion among those which bore Mr. Edelman's approval; and after much prevarication they all admitted that there was no proof of his ever having given such approval.

This proceeding on the part of Linderman, Acton, and Floyd cannot be too strongly condemned. Linderman sought to justify it by alleging that Mr. Edelman was a malignant and persistent personal enemy to him; but this allegation is wholly unsubstantiated; and were it true, Linderman's proper course was to clear himself from false charges, and such vindication would have reacted to crush his foe. But this he failed to do. The proceeding is in the nature of a conspiracy, not only to defame an upright and public-spirited man, but also to deceive a committee of the House, to thus deprive this committee of very valuable services, and by these means to defeat an inquiry ordered by the House. This is not only an offense against good morals, it is a contempt of the authority of the House and an effort to prevent the exercise of the power of the House to investigate, which power and its exercise are vital to the maintenance of the responsibility of executive officials to the people's representatives, without which constitutional free government will soon sink into despotism. The circumstances of this case plainly show that none of the parties to the plot against Mr. Edelman, and really also against the public liberty, are fit for the public service. There is strong reason to suspect that many contempts of the authority of the House of a nature kindred to this one have occurred within a few years, and the Committee on the Judiciary might well be instructed to bring in a bill providing for their punishment.

Linderman admitted making "partial payments" before assay on purchases of silver for coinage, and claimed that this was done not under mint laws, but under acts for coinage of fractional silver and standard silver dollars, and was hence not illegal. If such a construction of law can be admitted, and if transactions of this kind are not illegal, they are certainly highly imprudent, as much so in fact as advances on unassayed deposits, since the actual contents and value of the bars are not known till they are melted and assayed.

The \$1,000,000 Doré bullion bought of the Consolidated Virginia Mining Company March 15, 1875, was assayed by that company and by works controlled by them; so that they were allowed to put on their bullion such value as they chose, and to receive over 98 per cent. of the net value. Effort is made to justify such transactions on the ground that these advances were sometimes stipulated for in contracts, and that the sellers abated from their prices on account of them, being unwilling to wait some time for their pay when the Government refineries were overcrowded. But the fraction gained in price by no means compensates for the risk run, and there would not

seem to be any pressing need for buying bullion, at least on such terms, when the capacity of the mints and assay offices to make prompt melt and assay was already exceeded. It is said that no loss has accrued to the Treasury from these advances; but it may well be doubted whether, where the mint service was not prepared to melt and assay at once, the sellers would not have sold at a discount for cash if the Director had declined to buy at market price ahead of the establishment's capacity. If so, the Government has lost the amount of such discounts.

By such means as the unlawful expenditure of money for traveling expenses of relatives and others to perform services of doubtful worth, the cost of the Mint Bureau has been swelled in its six years' existence to over \$90,000, and as far as these \$11,000 for traveling are concerned, by perverting appropriations from the uses for which they were designed. The excuse is that assistants were necessary in examining mints and assay offices and in performing other duties; but the law, while it allows the Director his own traveling expenses, \$4,292 of which were paid him to October 1, 1877, does not provide for paying the traveling expenses of any one else. The Director's proper course, if such assistance was really needed—and some of it probably was—was to ask Congress for appropriations for the purpose. But he preferred to secretly swell the cost of his bureau beyond the appropriations made by Congress for it, and to draw on the appropriations made for the establishments at San Francisco, Carson, and elsewhere, which indicates that he felt that the proposal to expend money thus would not bear the scrutiny of Congress. It is remarkable that the Auditor and Comptroller of the Treasury should pass such accounts. It appears probable that all concerned rendered themselves liable to the penalties prescribed by law for unlawful conversion of appropriations.

That some of these expenditures were needless is beyond question, and that more were so is very probable from the fact that at most points where examinations were needed responsible business men of those places would have felt complimented at being asked by the Director to assist him or to attend at the annual settlements, and that their certificates of the correctness of affairs, being those of independent observers, would be more valuable than those of officials who might fear to point out irregularities lest they provoke hostility and lose their places. This perversion of appropriations is one of the ways wherein many executive officers have deceived or defied Congress, and is part of the tendency of the executive branches to override Congress heretofore noted.

A remarkable case of this expenditure is the employment in 1875 of F. H. Gassaway, a man of ill-repute in Washington, to take inventories of public property in the San Francisco, Carson, and Denver establishments, who received \$1,668.73 for doing so at San Francisco alone and was there dismissed and left. This expenditure, as well as unlawful, was needless, for the subordinates of the Supervising architect of the Treasury at the mint could have done the work. Linderman's proper course would have been to tell Mr. Bristow plainly that he had no employment for Gassaway. If he was then instructed to make it, he should have refused, and, if need were, have submitted to be removed rather than put the Government to needless expense. But no head of a department would venture to remove a faithful officer on such a ground; yet it was not safe for Linderman to do right in the matter, as he probably felt that better reasons for removing him could be had if desired.

As Gassaway had the year before given information which a committee of Congress found very valuable; as he was dismissed at a time when investigations by committees of Congress were especially active and many, and as Linderman in his memorandum warns the superintendent of the San Francisco mint—since removed for misconduct and whose removal he recommended about the same time—to "impart no important matters to Gassaway," states that "our friends" are "getting clear of this chap," that he "has inserted his hook into the nose of some of our big friends;" that "this trip is to close out the matter," and testifies that "how many people were interested in Gassaway's absence it would be difficult to tell;" it is pretty plain that Gassaway's absence was part of another plot to defeat an investigation by Congress, though the nature of that investigation the evidence before this committee does not disclose, and Linderman was evidently very loth to throw any light on the matter.

The relation of the Director of the Mint to the "Big Bonanza" mines, the Consolidated Virginia and California companies, which are owned by the same parties and have led the world in the product of silver during his term of office, is the saddest part of his unfortunate record. It was a most questionable proceeding, and not in accord with a high sense of official honor, that he should become pecuniarily interested—in his own name or in that of another—in the stock of corporations whereof the Government was likely to be a customer. But being so, it was but natural that he should yield to temptation; and the buying of millions of dollars' worth of silver on terms very favorable to the sellers, and his officially certifying to a false valuation of the mines, with the fearful results that followed, were the nearly inevitable consequences of the first false step. As to the advances of nearly the whole value of two and a half millions of silver bought of the Consolidated Virginia Company, it does not seem to be a just claim that the Government shall pay interest on bullion while it is engaged in ascertaining its value. If the owner wishes to have his bullion assayed, for sale either to Government or other

buyers, he should be willing to forego its use while the operation takes place.

But if he prefers using it to having it assayed, he should not ask the Government to advance on it, but should either use the assay office receipt if he can or should withhold his bullion from assay and use it as security whereon to borrow. Nor should the Government take bullion which it is not prepared to assay promptly, but should, if it finds occasion to buy before it can assay, purchase for future delivery. Linderman in this case advanced \$2,425,000 to the sellers two months before the completion of assays, and thus enabled them to make about \$40,000 interest, beside the unlawful payment of a reclamation of \$9,067.51 as alleged error in assays at New York, by which assays the sellers had agreed to abide, and other favorable terms given.

The United States Monetary Commission state that after the discovery of the Consolidated Virginia and California ore-body, "through persistent and infectious exaggerations in respect to the extent and richness of the new ore-body, the most visionary expectations and unwarranted fears became universally epidemic. The estimates of the value of the ore in sight ranged from \$300,000,000 to five times that amount. Deeming it of the first importance that these estimates and statements should be subjected to a practical and careful scrutiny, this commission employed Mr. Alexander Del Mar, a gentleman technically qualified for such an investigation, to visit the mines in person and ascertain from original sources their past and prospective productions. The production has not exceeded \$52,500,000. An average depth of eighteen hundred feet having been attained, it may be safely presumed that the culminating point of its production has been reached."

Let us see who were responsible for these exaggerations, and what were the latter's effects. Shortly before January, 1875, Mr. Philip Deidesheimer, described by Mr. Henry de Groot* as "an experienced Comstock superintendent and one of the most accomplished mining engineers of the age," visited the mines and estimated their value at \$1,500,000,000. This was followed by an enormous rise in the price of the stock, inasmuch that Consolidated Virginia, which on September 22, 1874, was worth 90 on a par value of \$100, reached 850 January 15, 1875. As Linderman said, had he sold his stock then he could have retired on a competence, for the stock for which at most he paid \$24,750 was worth, at 800, \$220,000. But he did not sell, and the effect of Deidesheimer's overestimate largely passed away, inasmuch that by the following October prices had fallen to 250 for California and 210 for Consolidated Virginia.

In the summer of 1875 Linderman, being in California on official business, sought a conference with the managers of the mines and arranged for an inspection of them. July 17 and 18 he, accompanied by Professor Robert E. Rogers, of Philadelphia, then or afterward a stockholder in the Consolidated Virginia to the extent of \$20,000 or more, made the inspection. August 26 he again visited and inspected the mines. November 1 he requested Rogers to furnish a report of the examination, with conclusions as to their probable total yield, based on their explored extent and the quality of their ores as determined by assays. This, November 15, Rogers did, and summed up by saying that, without including ore between the thirteen-hundred and fourteen-hundred foot levels, or that below the fifteen-hundred-and-fifty-foot one, the yield might be expected to be \$300,000,000; but to guard against a chance of overestimating he would take the assays at half the ascertained value and call the total product \$150,000,000 or more.

This report Linderman, after stating that the probable yield had been excessively estimated to a fabulous extent by previous accounts, appended to his annual report November 20, 1875, and concurred in. This revived speculation in the stock. As soon as the report was published Consolidated Virginia rose from 210 to 400, and California from 250 to 375. March 17, 1876, it had reached 435, at which price Linderman's investment, costing \$24,750, which under the reaction had fallen from \$220,000 in market value to \$63,750, was worth \$120,000. (On that day the stock was divided, each share into five parts, which made the price of each new share \$87.) The official report of the Director of the Mint, ascribing to the mines a value about six times as great as they afterward proved to have—for, as already quoted, they only produced about \$52,500,000 when worked out to a depth of two hundred and fifty feet below the limit of that report—was accepted by the public as reliable, and sustained the price of Consolidated Virginia, despite declining production, at or above 180 per original share till the close of 1876. Even as lately as the close of 1877 it was still at or above 115 per original share. By June, 1878, however, the prices had fallen so that the amount of stock in market was worth but about \$15,000,000, according to an estimate kindly furnished by the gentleman referred to by the United States Monetary Commission as qualified to inspect and value the mines, Hon. Alexander Del Mar.

The best defense Linderman could make of this extravagant and mischievous report was to say that he believed it came nearer the truth than any other estimate; which, lame as it is, is untrue, for before Linderman, and even before Deidesheimer, had published their overestimates the State mineralogist of Nevada had inspected the mines and valued them at \$143,000,000 above the fifteen-hundred-and-

fifty-foot level, less than half of Linderman's excessive valuation. This report, however, made it practicable for the owners of the mines to sell stock enough to realize in all about \$125,000,000, (including old assessments) and the fall in the value of this property to \$15,000,000, above noted, brought to the buyers of the stock a loss of about \$100,000,000, which sum has been pocketed by the sellers with the aid of their co-stockholder, the Director of the Mint. It is currently reported that the sellers have repurchased the stock at the recent low figures, which, if true, secures them this vast profit.

Mr. Del Mar, in a communication kindly forwarded, in reply to a request, from San Francisco, in June last, for this committee's information, states that the speculation engendered by these false reports "set everybody crazy in California, ruined thousands of families, transferred their means to the pockets of capitalists, who invested these means in Government bonds and other outside securities, and thus drained the State of a serious portion of its working capital."

Mr. Del Mar says further:

And this is what has caused the prevailing depression of industry, the fall of commercial prices, and the depreciation of real estate. A frenzied speculation superinduced in all the other mining enterprises adjacent to the Big Bonanza greatly increased the general loss. The contagion spread to the humblest classes of the population, to stipendiaries, to workmen, and even to servant-girls and boot-blacks. Many is the deposit, accumulated through years of toil, that it drew from the savings-bank; great has been the anguish it occasioned by the absorption of these hoards; numerous have been the crimes committed in the vain hope of recovering these lost fortunes, and frightful are the marks which these events have left on the social and industrial welfare of the coast. * * * There was little difficulty about making a tolerably correct estimate [of the ore]—so little that some months before Dr. Linderman's report was published correct information concerning the dimensions had become common to many parties. * * * It is susceptible of proof that at the time that Dr. Linderman says that he saw \$300,000,000 in the mine the managers themselves saw less than \$150,000,000. * * * From what I myself saw and reported of the mine, and considering the opportunities afforded to Dr. Linderman and the care and labor which he states was employed in the investigation, it seems impossible for him to have been unwittingly misled to so great an extent. * * * These matters are stated in all kindness to Dr. Linderman, with whom my relations have always been pleasant; but stated they must be, or the real history of the Big Bonanza will never be told.

Linderman appears to have foreseen that his course in this matter would be questioned, and to have sought to guard against it by printing in his annual report for 1877 testimony of James C. Flood, one of the owners of the Consolidated Virginia and California Mines, before the United States Treasury Commission, of which Linderman was a member, which sat at San Francisco, to examine the mint, in the summer of 1877, wherein Flood, being asked on the witness-stand whether he or his associates had ever in any way paid any one connected with the Government in connection with any report or estimate of the production of the mines, or had attempted to procure such report or estimate, or had known beforehand that it would be made, replied in the negative. It will be seen, though, that this does not exonerate Linderman, and that Flood and his associates may have used means which Flood might regard as not covered by the wording of the questions.

Putting the most lenient construction on this entire matter, it was certainly a grave impropriety for the Director of the Mint to lend the influence of his official position to sanction any predictions of the future production of any mine, especially so of one wherein he was pecuniarily interested.

Regarding the aid rendered in October, 1877, to the San Francisco agents of the Consolidated Virginia Company and to the Anglo-Californian Bank in selling trade-dollars at a profitable advance, by reason of the sudden stop of coinage October 20 without public notice but with private notice to those parties the previous day, whereby they gained and the public lost an amount estimated by good authority at \$80,000, the rise was 4 per cent. two business days after the suspension, which conclusively negatives the plea that there was no active demand for trade-dollars. The further plea that the trade-dollars were being passed into circulation in this country does not justify an effort to stop such circulation if the people chose to take them; nor does this or the additional plea that the free coinage of trade-dollars interfered with Government purchases of bullion justify, even if true, the suspension of coinage without previous public notice. The San Francisco *Chronicle* said, in reporting the bullion market:

It was generally remarked that if Dr. Linderman could, at his own will, suspend or resume coinage operations without giving any notice or warning of his intention, the business degenerated into a gambling game in which the few people in the confidence of the Director of the Mint held all the winning cards. * * * The only people who chuckled over the erratic course of the mint authorities were those who happened to have a little supply of trade-dollars on hand, which in spite of the assertion that there was no demand they managed to dispose of at a handsome profit.

Even this pleasure was sullied by the thought that they were only picking up the crumbs which fell from the rich men's table, and that the cream of the job was being taken by the Nevada and Anglo-Californian Banks.

There was another sudden suspension of the coinage of trade-dollars at San Francisco as late as February 1, 1878, when they were growing scarce in the market; and even so cautious a journal as the *Bulletin* of that city felt compelled to condemn this suspension as looking very much like an effort to aid speculation.

But secondary effects are sometimes as important as primary ones. The distinguished statistician and economist already mentioned states in the communication already referred to:

This fall in the price of silver which began in the autumn of 1874, and the still greater fall that followed it in subsequent years, is attributable in part to the delusive belief entertained with respect to the probable future production of the Big Bonanza mine. The annual production of the country had reached twenty-five

* Powell's "Land of Silver," p. 94.

and a half millions before any fall at all occurred in silver. It reached thirty and a quarter millions, (in 1875,) and still the fall was immaterial, the average ratio of silver for the year having been 16.69, at which rate the silver dollar was worth about 96 cents gold, which is no lower than gold stood with regard to silver three years before. These facts prove that silver could stand a production even greater than had been reached in 1874. It might even have maintained its ground in the face of a rumor soon to be circulated that fifteen hundred millions were in sight in the Big Bonanza. But when, on top of all this, Dr. Linderman, in his report for 1875, averred that he had seen three hundred millions with his official eyes, the market for silver metal went to the dogs.

It was this report that made a market for the stock of the Big Bonanza throughout the Eastern States and in Europe and that upset the monetary affairs of Christendom. The Munchausenisms of Deidesheimer and DeGroot may not have been too strong for the credulity of a mining country, but they had little or no effect elsewhere. A professional report, concurred in and indorsed by the Director of the Mint and published in the State papers of the American Government, was needed to carry conviction to the rest of the world; and here it was at last.

By the month of March, 1876, Dr. Linderman's report was circulated in Germany, and on the 14th of that month the Berlin *Reichsanzeiger* stated that "the silver mines in Nevada produce fabulous amounts of silver, the production for the current year being valued at five hundred million francs." On June 1, same year, Mr. J. Saville Lumley, reporting from Brussels to the Earl of Derby, repeated this estimate of the production of the Nevada mines, and thus, the falsehood having been placed upon an official footing in America, Germany, and England, the panic in silver (of July, 1876) took place.

When his report was published silver in the London market stood at 16.75 to 1 of gold. This was in November, 1875. After this it commenced to decline, and this it did with a rapidity unprecedented in history. Bearing in mind that the long-time relation of silver to gold was 15½ to 16 for 1, silver fell in January, 1876, to 17.08 to 1; in June it fell to 18.21 to 1; then a panic ensued, and in July it touched 19.26 to 1, the lowest point of the depression.

It was at this juncture that our Commission was authorized by act of Congress. By the month of December I was enabled to visit this coast and examine the Big Bonanza. In February I was back in Washington and my report in print. By this time silver had risen again to 17½, and thereabout it stands to-day. Had the law remonetizing the silver dollar provided also for free coinage, (as did Mr. Bland's bill, silver at the rate of 16 to 1—that is to say, the silver dollar—would doubtless have stood to-day at a premium in gold. As it is, British influence has won the fight; the silver dollar continues to remain a mere token, and the value of silver must continue to decline.

That all this should happen in the principal silver-producing country of the world, and at a period when both in that country and elsewhere the product of silver is diminishing and the want of more money is felt in every department of industry, seems very extraordinary. Nevertheless it is all true, and if any one man is responsible for the evils which threaten to follow this virtual demonetization of silver, that man is Dr. Linderman, but for whose mischievous zeal the demonetization of that metal in 1873 would not have been accomplished.

Mr. Speaker, Henry R. Linderman is in his grave. Had I pursued him, as some have wickedly declared, with personal enmity, I should now be silent. But my action and that of my colleagues was simply to obey in good faith the order of this House, the mandate of high and sacred duty, the dictates of public honor. Gladly, had the charges against him presented by responsible men proved groundless and had the facts of record been consistent with law and right, would we have made this known to the House and the country and have spared him the mental anguish which is said to have caused his death. But this could not be; however much we might feel for him we had our duty to do, and we felt also for the people of the land and for the thousands whose sufferings were disclosed to us. He is dead; but

The evil that men do lives after them.

All through the vast Pacific coast of this Republic, through the great mining regions of the mountain chains, yes, in the Eastern States, and even in Europe, are felt the dire effects of the financial panics and losses and of the fortunes thereby gained to a few, bred by Linderman's great misstep. His yielding to temptation, perhaps too great for most men to bear, has spread disaster and ruin through thousands of happy homes, and the development of the fair western shore of this continent has met a dreadful check. If in the course of the inquiry into his acts he came to realize the harm these acts had wrought, it is not strange that he sickened even to death. May his example be a warning to all in high station that misuse of power is sure of its reward.

But there is a grander lesson in the facts. The "hard times" whereby the country of late has suffered are largely due to just such speculations of which since 1862 there have been many. Very few of them have been inquired into by Congress, or made public. But the facts exist and are known. Scores, yes, hundreds, of officials, ex-officials, and their confederates, have rolled in wealth thus gained, while the people have seen their property slip from their grasp without knowing that the markets had been manipulated by the use of official power and information.

The private secretary of President Lincoln speculating in Wall street on the misfortunes of his country during the war from early information of all important events; the Black Friday speculation, wherein close connections of President Grant were concerned; the operations of Secretary Richardson in connection with the panic of 1873, for which he was forced to leave the Cabinet; the withdrawal of the account of the Navy Department from the great and substantial house of Barings, at London, to make it available to sustain the weak and needless house of Jay Cooke, McCulloch & Co.; the loan of \$1,000,000 of public money to the latter house in the vain effort to save Jay Cooke & Co. from bankruptcy; the real-estate pool, whereby the President, the Secretary of War, a judge of the supreme court of the District of Columbia, the governor of the District, and a leading member of the House Committee on the District became interested in operations whereby the price of real estate was artificially advanced

at public cost and citizens' loss—these are a few such speculations which have to some extent come to light. Only by removing the temptations can the opportunities for such misuse be prevented. If such opportunities exist they will be used; if not by some, by others who will replace them. Only by freeing the business of the people of the country from official control can its prosperity be assured.

North Carolina Cotton Claims.

SPEECH OF HON. H. J. B. CUMMINGS,

OF IOWA.

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 22, 1879.

On the state of the Union generally, and particularly on the bill (H. R. No. 295, entitled "A bill to refund to the State of North Carolina certain moneys therein named."

Mr. CUMMINGS. Mr. Speaker, the bill under consideration reads as follows:

A bill to refund to the State of North Carolina certain moneys therein named.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and instructed to pay to the State of North Carolina the net proceeds paid into the Treasury of the United States arising from the sale of three hundred and thirty-one bales of cotton belonging to the said State, and seized by A. G. Browne, a Treasury agent at Thomasville, in the State of Georgia, in the month of August, A. D. 1865, amounting to \$36,462.47.

SEC. 2. That the Secretary of the Treasury is, in like manner, authorized and instructed to pay to the State of North Carolina the net proceeds arising from the sale of one hundred and seventy-five bales of cotton belonging to the said State, and seized by S. Draper, a Treasury agent, in the month of April, A. D. 1866, in the city of New York, amounting to \$6,070.11; which amounts shall be in full of all demands growing out of the seizure of cotton.

The bill, as will be seen, proposes to appropriate the sum of \$42,532.58, said to be the amount of the proceeds of five hundred and six bales of cotton, the property of the State of North Carolina, seized by the officers of the United States in 1865 and 1866.

The State of North Carolina claims that she is entitled to such portion of the proceeds arising from the sale of said cotton as reached the Treasury, alleging that the seizure was in violation of law.

This bill is one of a numerous class which seeks to make good the losses growing out of the war of the rebellion. Whether or not, as some claim, the time has come for Congress to declare that the doors of legislation shall be closed against all demands for compensation for property captured or lost and destroyed as a result of the civil war, I am compelled to maintain that in this case the State of North Carolina presents no legal or equitable claim against the Government. Certainly this House will not be willing to allow this bill to become a precedent, and thus establish the right of a State to recover the value of property purchased by it to be used in its effort to sever the Union of these States, and which was captured by the United States. Nor can this House be ready to give its assent to the singular proposition advanced in the report of the majority of the committee that the proclamation of general amnesty issued by President Johnson either was intended to or did pardon a State for treasonable acts. The very fact that it was impossible for a State to comply with the conditions imposed before the taking effect of the offered pardon ought to be a conclusive answer to this novel proposition.

How came it that North Carolina became the owner of the cotton in question? Perhaps the answer to this inquiry may throw some light upon the justness of the claim she presents. This cotton was a part of the cotton North Carolina purchased during the rebellion to assist the Confederate States in their efforts to destroy the nation. North Carolina bought large quantities of cotton, to be manufactured into uniforms for the soldiers she put into the confederate army and to give employment to the families of such soldiers, that they might be able to maintain themselves at home. This cotton was so purchased, and remained unused at the virtual collapse of the confederacy, and fell into the possession of the United States by capture. Upon what possible theory can she be entitled to the proceeds of the sale of cotton thus purchased, intended for such use, possession of which was secured to the United States in the manner stated? She seems to base her claim upon these propositions:

1. The State was pardoned by the general amnesty offered by the President.

2. Pardon blots out the offense and closes the legislative eye upon all treasonable acts included within such pardon.

3. Having been pardoned, guilt having thus been removed, it is entitled to recompense under the provision of the Constitution which declares that just compensation shall be made for private property taken for public use.

Surely these propositions do not need to be discussed here. Under no possible view of the case can they be pertinent, for this reason if no other, the main proposition upon which all the others rest is faulty—the "State" of North Carolina could not be the subject of executive clemency. But the report of the majority of the committee asserts that the seizure was not only in violation of instructions issued by the Government of the United States but unlawful, and

that under the act approved May 18, 1872, North Carolina is entitled to the net proceeds arising from the sale of the cotton in question.

The act referred to is in these words:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the lawful owners, or their representatives, of all cotton seized after the 30th day of June 1865, by the agents of the Government, unlawfully and in violation of their instructions, the net proceeds, without interest, of the sales of said cotton actually paid into the Treasury of the United States, &c.

Let us inquire, then, admitting for the sake of the argument that the State of North Carolina may make this claim, whether she brings herself within this law.

Was the cotton seized—

1. After June 30, 1865?

2. Unlawfully?

3. In violation of instructions?

1. Was the cotton seized after June 30, 1865?

There were two lots of cotton. The first lot, two hundred and forty-six bales, was seized, so the records of the Treasury Department show, (see letter of Secretary Bristow, March 15, 1875, a copy of which is given in the minority report, Exhibit A,) before June 30, 1865. The letter says:

The records and files of this Department show that this cotton was actually seized at Thomasville by the United States military forces, under command of Colonel Kimball, on the 19th day of June, 1865.

The two hundred and forty-six bales, then, are not brought within the terms of the act of May 18, 1872.

The other lot, one hundred and seventy-five bales, was seized on or about April 4, 1866, by Simeon Draper, agent of the Government, at New York, and after June 30, 1865, and so far is within this act.

2. Was the seizure unlawful?

The seizure, if after June 30, 1865, must have been unlawful, or North Carolina has no right to the money asked.

Upon that question we have this evidence. John S. Frazer, attorney of the Treasury Department, to whom this claim was referred when presented to the Treasury Department, and, I might say, was disallowed by the Department, reported against it, as will be seen by referring to his decision, a copy of which is given in the minority report, (Exhibit E.) Upon the question of the unlawful seizure he says:

There were no instructions by this Department to its agents which in terms directed them not to seize cotton which had been purchased by the governments of States which had been organized in hostility to the United States. It is quite clear, too, that the general instructions given from time to time were not intended to have that effect.

Again he says:

The organized government called the State of North Carolina, which acquired the title to this cotton by purchase, was a hostile organization, at war with the United States. In that respect it cannot be distinguished from that other organization, of which it formed a part, called the Confederate States of America. Both were alike extinguished by the results of the war; both had been alike enemies, at war with the United States. If, upon the final success of the latter, all its effects and property belonged to the United States, I do not know how to avoid the conclusion that the same thing resulted as to property which had been acquired by the hostile government called North Carolina. It seems to me, therefore, that the seizure was lawful.

Secretary McCulloch, in his letter to Hon. K. P. Battle, public treasurer of North Carolina, under date of March 14, 1866, announces the rule adopted by the Government in these words:

The rule of the Government has been to treat the property owned or controlled by the insurgent authorities of the several States and that of the consolidated rebel organizations alike.

The seizure, then, was not unlawful.

3. Was the seizure in violation of instructions?

As to the two hundred and forty-six bales, we must again go to the letter of Secretary Bristow above referred to. He says:

The records and files of this Department show that this cotton was actually seized at Thomasville by the United States military forces, under the command of one Colonel Kimball on the 19th day of June, 1865, by the express order of the general then commanding that military district; which order directed Colonel Kimball to seize all cotton belonging to the States of North Carolina and Georgia.

Judge Frazer further states, (see Exhibit D, already referred to:)

Indeed, as early as June 17, 1865, Supervising Special Agent Heaton, whose jurisdiction embraced that State, (North Carolina,) was specially instructed by telegraph to ship the so-called State cotton to New York as captured property, without regard to State claims.

The one hundred and seventy-five bales were seized in New York in April, 1866, as will be seen by the telegrams, of which copies are given in the minority report, (Exhibit C.) Let me read from them:

TREASURY DEPARTMENT, April 3, 1866.

SIMEON DRAPER, *United States Cotton Agent, New York:*

Seize the cotton referred to if you and Smith are both satisfied it can be held; that is, if its identity is fully established.

H. McCULLOCH,
Secretary of the Treasury.

NEW YORK, April 4, 1866.

To Hon. H. McCULLOCH:

The consignees of cotton acknowledge the same to belong to the State of North Carolina, and I shall seize it.

S. DRAPER,
United States Cotton Agent.

TREASURY DEPARTMENT, April 4, 1866.

SIMEON DRAPER, *United States Cotton Agent, New York:*

Hold the North Carolina cotton referred to.

H. McCULLOCH.

Thus is shown the correctness of Secretary Bristow's decision, a copy of which will also be found in the minority report, (Exhibit B.) Secretary Bristow held:

The records and files of this Department show that said cotton was seized, as alleged, by Simeon Draper, agent of this Department, but that the seizure was made in consequence of and in compliance with express instructions given to him by the Secretary of the Treasury.

It is thus shown beyond room for doubt that the two hundred and forty-six bales were seized before June 30, 1865; that the seizure was not unlawful; that not only was the seizure not made in violation of instructions, but in obedience to positive instructions. As to the one hundred and seventy-five bales, it is equally clear that while the seizure was made after June 30, 1865, the other conditions of the statute are wanting—the seizure was not only lawful, but under direct and positive orders. The claim, then, is not within the provisions of the statute of May 18, 1872, and the bill under consideration should not become a law.

I have no fears that this claim will be allowed by this Congress; it is not likely to be reached upon the Calendar; but it will make its appearance in the Forty-sixth Congress, as it did in the Forty-fourth, where the Senate Committee on Claims reported against it. These claims are urged with a pertinacity that is remarkable. Not being a member of the Forty-sixth Congress, and having as a member of the House Committee of Claims given this bill careful investigation, I desire to leave upon record the result of such labor, trusting it may be found useful to those who may come after me and contribute somewhat to the protection of the National Treasury.

Southard Amendment.

SPEECH OF HON. JOHN H. PUGH,

OF NEW JERSEY,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 25, 1879.

On the Southard amendment to the legislative bill to repeal the law for supervisors and deputy marshals of elections.

Mr. PUGH. Mr. Chairman, I believe in the rights of majorities. I believe majorities have the right to initiate, control, and adopt legitimate legislation.

I will join in no factions opposition to the majority of this House in any effort it makes to effect legislation in a legitimate and proper manner. But when it accompanies its legislation with a menace, when it assumes that a minority has no rights which the majority is bound to respect, when it takes it for granted that the minority it antagonizes has no manhood, then the time has come when should be demonstrated what the rights and the powers of a minority are.

The people of the North do not desire sectional agitation. They do not believe a great future is to be built up for this country by stirring up and keeping alive the animosities engendered by war. They think it was a good thing to put down the rebellion; that it was best for the South and best for the North, best for our own and the world's civilization, that we were kept, at whatever cost, a united nation. The people of the North think that those who stood by the Union in that gigantic struggle are entitled to some consideration, and that those who were on the wrong side then and who are assuming to control this Government now should be cautious how they use their power.

For the people of the North observe that the triumph of the democratic party means the triumph of the South. They know what immense power over legislation is lodged in the hands of the chairmen of the committees of this House; that more than half of them are from the South, and not one from all New England; that two-thirds of the patronage of this House is distributed to the South; that not a dollar goes out of the public Treasury for the Army, the Navy, or any of the Departments of the Government except at the dictation of those who were on the wrong side when the life of the nation was threatened. The people of the North observe these things, and would say to you who are in a majority here to use your power discreetly if you would hope to hold it. You hold the purse; but do not take a menacing attitude and shake your purse in our faces and say that not a dollar shall go out of it for any function of Government unless we abandon principles and policies that we deem vital.

You have the power to make the laws. Use your power, but do not use it in such a manner as to make your opponents feel that they would sink all self-respect and lose all sense of manhood if they did not successfully resist you.

This measure of legislation could have passed this House in a legitimate way any time within the last four years. Why was it not done? Why is it being forced upon us now in the closing hours of the session? Why is it placed in the obnoxious form of a rider upon an appropriation bill? Why is it pressed upon us by the cold, conscienceless, irresponsible power of the caucus?

Why do you tell us that we must pass this measure here and now or you will stop the wheels of Government? The answer is more than hinted in the remarks of the gentleman from Mississippi, [Mr.

[CHALMERS.] He clearly intimated that the democratic party is divided on the currency, divided on the tariff, divided on internal improvements, and it was necessary to unite it on something. In order to solidify the party it was necessary to fix upon a policy that would excite the passions, and turn the most amiable men into the most bitter partisans. It was necessary to fix upon something that was somehow regarded as an outgrowth of the war; it was necessary to revive the old cry of Federal domination over State authority; it was necessary to croak again the old songs, of which the country has long been sick, of bayonet rule at the ballot-box.

And so, after four years of power in this House, and four years of indifference as to this measure of repeal, the democratic party suddenly discovers that this supervisors law, which enables the Government to stand by and see whether elections for members of Congress are fairly conducted, is an invasion of the rights of the citizen, and must be repealed at once or the Government must be brought to a standstill. Why not leave this legislation until next winter, when the democratic party will have a majority in both Houses? Every reasonable end would thus be assured. No election can be held meanwhile under the law anywhere except in California, and this would in no way affect their party interests. Why not, therefore, delay action?

But no, this measure must be pressed now; pressed in the most obnoxious form, and against the wishes of many of the wisest leaders of the democratic party. And why? Because the leaders of that party, who are pressing it, know that it is offensive; that it will excite resistance; that it cannot be submitted to without dishonor; that it will revive old animosities, intensify party bitterness, and thus, by reanimating all that is odious in party spirit, they hope to silence all internal discord and preserve their party strength and unity.

The gentleman from South Carolina [Mr. RAINEY] tells us that with a free, untrammelled ballot his State is as certainly republican as any State in this Union—and the great mass of intelligent people at the North believe him—and yet there is not a single republican member returned from that State in the next Congress. The great mass of all intelligent people at the North believe and know that the State of New York is often carried for the democratic party by outrageous frauds perpetrated in the slums and alleys of New York City. Nothing has ever been demonstrated if this has not been, and yet in the face of these facts we are told we must remove the safeguards that surround the ballot-box; that we cannot even have witnesses present to see, and report what they see; that we can do nothing to protect from contamination the primal sources of political power in this country. And we are told further by the majority of this House that if we do not sweep all these safeguards from our statute-books they will not vote a dollar to carry on the Government.

The gentleman from South Carolina [Mr. AIKEN] says they want no more war, that they have had enough. Other gentlemen say they are anxious for peace and conciliation and that they desire to be let alone, and much more of like tenor. But do gentlemen think that such revolutionary measures as this which they now propose, carried in the high-handed way in which they are carrying this, will ever heal the wounds of war? Do they believe that such paths as these will ever lead to peace? On the contrary, nothing has transpired since the war so certain to revive sectional hate and to stir up every malignant element in politics as the attempt to pass such a measure by such methods.

You do not say that you intend to pass certain party measures, but you say you will pass them or you will stop the working of the Government. The scheme is offensive and revolutionary, and I believe will be as emphatically repudiated as was the rebellion itself by the intelligence, the patriotism, and the power of the people. I believe that upon such an issue, whatever the solid South may do, we can carry every Northern State from the Atlantic to the Pacific.

Southard Amendment.

SPEECH OF HON. B. S. FULLER, OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 25, 1879.

On the Southard amendment to the legislative bill to repeal the law for supervisors and deputy marshals of elections.

Mr. FULLER. Mr. Chairman, it appears strange to me that the liberal-minded gentlemen of "the other side" will oppose the amendment repealing this obnoxious anti-democratic and anti-republican statute.

The right of a free and independent ballot is the dearest and most sacred of all the rights which our "fathers" pledged their lives, their honor, and their fortunes to maintain. Believing in the judgment of the fathers of our liberties, and appreciating the priceless boon handed down to us by them—blood-bought and pure—I cannot review the arguments of the other side without being impressed with the conviction that their position is based on false premises and supported by assumptions which lead to false conclusions.

So self-evident is the negative of their proposition that I am forced to believe them insincere in their advocacy of it, while I cannot doubt their intentions. It is no secret that the law providing for the use of the United States marshals and supervisors of elections was intended as a means to be used whenever necessary as party machinery to keep the republican party in power; and we all well know that the "test oath" was an extreme measure for like purposes, of outraging the will of the people by intimidation. All crimes against the whole people have been committed under a cloak of popular outcry. Madame Roland said that the cruel deeds of the "reign of terror" were committed in the name of Liberty. You, the opposition, praise Liberty with your tongues, but stab her with your actions. What right have you to claim the championship of a free and untrammelled elective franchise? Your party leaders only a few years ago were opposed to giving the right of suffrage to all foreigners unless they had been actual residents of this country for twenty-one years.

I concede the fact that you enfranchised the negro and gave him the right to vote. At the same time I am prepared to say that many of your party are sorry for it, and I remind you that your party struck down the elective franchise in this District and deprived of the ballot a population of over one hundred and seventy thousand.

It seems to me that right here, under the shadow of the Capitol, the people ought to be free to be represented as well as taxed. They are governed by the laws made in this Capitol and are not exempt from the burdens of government imposed by laws made without their voice or consent. They why were they deprived of the elective franchise? It was because of the large negro population in this District. In view of this fact, and your championing class legislation, let me ask how long will it be before you will deny or abridge "universal suffrage" to the States?

I deny that your party leaders are and have been unconditionally in favor of a free ballot, and to sustain the truth of what I have said let the facts be judged by this House. When your party came into power the salaries of almost all the Government offices from that of the President to the Department laborer were largely increased and then taxed for party purposes; and the mandates of the "republican central committee" were obeyed with fear and trembling; assessments were paid without objection and without question, and the large amounts of money thus wrung from officers and employees of Government were added to the party assessments on bank rings, Indian rings, railroad rings, subsidy rings, and rings within rings, and turned over to partisan leaders for party purposes—no doubt to secure the freedom of the ballot, no doubt indeed to sustain the spotless purity of the elective franchise. Why, does any one doubt for a moment that money thus obtained was used to buy up the greenback party during the canvass of 1876 in Indiana, where the "untrammelled ballot" was bought and men were bribed to vote against their honest convictions? And the "Indian agents" of "Uncle Zack" were the party agents in the infamy.

Were your party favoring a free and "untrammelled ballot" when Johnny Davenport and his army of roughs and ballot-strikers at the late election in New York were intimidating and arresting German and Irish voters who had an honest right to exercise the elective franchise and who were prevented then and there from joining in the election of the democratic candidates, as has been clearly shown? And I might follow the violence of your party in Philadelphia with a similar question and tell of the crimes committed against the honest voter in the City of Brotherly Love under the very shadow of the "old hall" sacred to the birth of our liberties. It is not easy for me to forget the importation of repeaters, black and white, to Indiana in 1876, when ballot-stuffing was the rule rather than the exception and when all kinds of fraud and intimidation were used to defeat an honest expression of the will of the people at the ballot-box.

The definition of "free ballot" according to the republican dictionary seems to be "vote early and vote often," and in every new edition of that dictionary the definition of "free ballot" appears unchanged. There should be a law passed which would disfranchise for life any man found guilty of fraud in elections. Who ever heard of merchandise being made of the elective franchise in this country before the republican party came into power? Who ever saw or heard of a dealer in ballots—in political conscience—in the sacred right of opinion, all that makes us a free people? When, before this new departure, were the agents of party to be found stationed to purchase votes at public houses, cross-roads, and at public gatherings, found sneaking from farm to farm and from shop to shop throughout the land, plying their trade with the coin of Judas to betray the genius of our liberties?

Mr. Chairman, I wish I could stop here in a statement of facts so sickening; but besides the wholesale traffic in the ballots of the employees of large manufacturing and commercial establishments, and the easy purchase of the frequenters of grog-shops and saloons and of the unfortunates of the slums of our great cities, the party agent finds a higher power with which to control voters. I have seen it stated, and I cannot doubt its truth, that ministers of the Gospel and priests chosen of God to lead their flocks in the narrow path of virtue have been bribed to conduct their flocks to the ballot-box in the interest of party. And when we hear of the "efficient organization" of party for which the republican party is celebrated, with its experts, "Indian agents," and "whippers-in," we may know that all the bogs, fens, and miasmatic swamps of politics have been dragged for poison with which to blast the liberties of the people, and which sooner or later will destroy the life of the nation.

But, Mr. Chairman, I have not reached the climax of the baleful party influence of which I am treating, which has been exerted in its force and cunning. You may readily infer what outrage in our political history is best fitted to cap such climax. It will be found in the "Supreme Court juggle," which, in spite of the honest vote of the people, placed in the presidential chair a man who had no more right to the high position than I had, and, considering all the circumstances of the case, a crime was committed against the liberties of the people which has no parallel. It shocked the honest sentiment of the whole civilized world, and leaves a stain indelible of fraud and cowardice upon the history of our time. And I have no doubt that some of those who committed perjury or subornation of perjury, or bribery, and their accomplices, and those who had a guilty knowledge of the crime, have been seeking relief from their burning consciences by declaiming in favor of a "free and untrammelled ballot," and the relief, should it come, will equal, perhaps, the relief a drop of brackish water would give to the parched lips of a famishing traveler in the burning sands of the great African desert.

Mr. Chairman, I hope the amendment of the gentleman from Ohio will be adopted. Let the people of the several States manage their elections untrammelled by outside intervention under color of law or otherwise. There must be mutual confidence and respect between the Government and the people of the States in the matter of elections, or sooner or later a conflict will arise which will shake this country from center to circumference.

Let us wipe from our statute-books these obnoxious laws. They are a standing insult to the dignity and honor of American institutions; and if the republicans will not join us in this good work, let us democrats stand firm as did the fathers of our liberties during the perils of the Revolution. Should any desert us, let them go over to the opposition and accept the black badge of Judas and Benedict Arnold. In conclusion, let me remind all parties that "eternal vigilance is the price of liberty."

Brazilian Mail Subsidy.

SPEECH OF HON. NATHAN COLE,

OF MISSOURI.

IN THE HOUSE OF REPRESENTATIVES.

Friday, February 28, 1879.

On the amendment of the Senate to the bill (H. R. No. 6143) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes.

Mr. COLE. Mr. Speaker, no subject, I conceive, is of more vital importance to this whole country than the one now under consideration. I think, too, that we are fortunate in having an opportunity now, in the very last hours of this Forty-fifth Congress, to discharge a duty toward the nation which in its effects will tend largely toward the solution of many of the difficulties of the present.

The trade of Brazil and other States of South America has for many years attracted the attention of our statesmen and many eminent and thoughtful merchants; and, indeed, in the past generation large fortunes have been built up out of this trade. In comparison, however, with what ought to have been done the results have been insignificant. The great difficulty has been in the want of sure, prompt, and efficient postal arrangements; and to-day the methods of mail communication between this country and Brazil are really discreditable to American enterprise and Yankee genius and exhibit a hindrance to the progress of our trade with South America utterly at variance with the progress which we have displayed as a people in almost every other direction.

At present there is no direct line of steamers from this country, and letters destined for the Atlantic ports of South America below Pernambuco go first to Liverpool, three thousand miles, and thence five thousand miles by the west coast of Africa to Brazil.

Strange as it may appear to us, it is nevertheless a fact that no steamer makes the passage from the United States direct to Brazil. England, France, Germany, and Belgium, however, have nine regular lines of first-class iron steamships, embracing between two hundred and fifty and two hundred and sixty vessels, which maintain direct steam navigation and communication with Brazil. To compete with these finely equipped modern steamships what does this great enterprising nation have?

Well, she has twenty-nine wooden sailing vessels plying between Baltimore and Brazil, ranging in tonnage from an inferior oyster-smack of less than two hundred tons to a very modest sloop of less than seven hundred tons, the whole fleet aggregating in round figures 10,887 tons. There may be added to these an occasional ship from Brazil to Mobile or New Orleans. Is there any wonder, then, that while we purchase and import as a nation about one-half of the whole annual exports of Brazil, which amount to about one hundred millions per annum, Brazil only purchases, of a total average import from all countries amounting to about eighty millions yearly, about one-tenth, or eight millions annually, of us?

The vast difference or balance between our imports and exports,

amounting to an average of thirty-five millions a year, we must remit entirely through European channels of exchange, thus laying us under tribute to our rivals for such additional cost to us of these vast exchanges. The imports from Brazil consist chiefly of coffee; we receive also sugar, wool, hides, dye-stuffs, drugs, and ornamental woods.

Brazil takes from us flour, lumber, and a few other articles. Our manufactured goods do not go direct to her ports; large quantities we know, however, do reach her through English and other channels. The Brazilians, like many other nations, have discovered that our manufactured goods are not only cheaper, but better, than many goods of similar character produced by other people; but both our round-about exchanges and these indirect exportations are largely and almost fatally against our trade. We ought by all means to assert our right to this valuable and indispensable commerce.

The present wise and noble prince who rules this wonderfully productive country is a man of broad-gauge views and ideas. He sees the anomalies of the great trade which ought to exist between his people and ours; he perceives that his people suffer as well as we by these unnatural exchanges. He has therefore sought to promote direct, quick, and safe as well as commodious means to reach an object which is more vital to us than it may be for him, and in furtherance of this object has contracted with one of our energetic citizens for a first-class American iron-steamship mail service from Rio de Janeiro, via Para, Pernambuco, and Bahia, to New York City and return monthly for the term of ten years, commencing in April, 1878, in the sum of \$110,000 to \$120,000 per annum.

The question now occurs, shall we with our usual sagacity reach out and grasp the friendly hand of this enterprising ruler of Brazil. I will admit that large interests are here involved; great and rich and powerful combinations are massing their forces to crush out this worthy project. For the most part they originate in countries not only foreign but in earnest competition with our people. They have long and successfully held this rich and yearly growing trade. I do not blame them for making a desperate struggle. If we held a position such as they do and should yield it without exerting every power consistent with national honor, I should admit with shame and sorrow that we were in the sere and yellow leaf of national life.

Many object to this on the score of subsidy. Well, a rose by any other name would smell as sweet, but this is the war-cry of our competitors for a trade that we cannot longer do without. But is this a subsidy. If you will look, sir, at this bill, you will find that it has all the safeguards of any other letting of the Post-Office Department, and call it subsidy, mail contract, or what you will, I here venture to predict that if you pass this bill you will start the entering wedge which is to give us the right to successfully compete and to win for our agriculturists, manufacturers, our merchants, and our bankers one of the richest branches of commerce upon the globe—a commerce which will augment yearly by many millions, giving and receiving untold blessings to the two great continents of similar name.

And, sir, I would here call the attention of the House to the further fact that the proposal of the Postmaster-General is to embrace two lines of magnificent first-class iron steamers, of not less than three thousand tons each, one of which shall leave New York say on the first day of each month, and one shall leave New Orleans on the fifteenth of each month, the former via Norfolk, Virginia, going and returning, the latter via Galveston and such other ports in the United States, West Indies, and Brazil as the Postmaster-General may deem necessary and expedient.

By this arrangement the interests of all sections of the United States on the eastern seaboard, as well as those sections on the Mississippi and its tributaries, are supplied with postal, passenger, and freight accommodations with regularity and promptitude, and upon equivalent terms in all respects.

I might extend this argument to show that even two such vessels as are proposed in this bill, will almost equal the whole tonnage now engaged in this trade in capacity to transact business, owing to their great size and speedy voyages. But, then, two vessels once fairly established and making regular time will soon build up such trade as will require additional vessels to carry it, and thus, year by year, we may readily expect this trade to increase, so that before the terms of this contract expire we may reasonably hope that we shall have secured our full share.

Brazilian Mail Subsidy.

SPEECH OF HON. THOS. B. PEDDIE,

OF NEW JERSEY.

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 28, 1879.

On the amendment of the Senate to the bill (H. R. No. 6143) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes.

Mr. PEDDIE. Mr. Speaker, I give this bill now under consideration my hearty support, for the reason that there is nothing, in my opinion, will be of more benefit to our country than the opening up of new markets for the products of our soil and the extending of our

manufacturing and commercial interests. I am glad to see this is a step taken in the right direction. It makes but little difference to me whether it is John Roach or John Smith so long as the object is attained—that American ships are to be used in carrying freight to and from these South American ports. I do not see how this can be done without the aid and assistance of our Government; neither do I see any better way to help revive our industries than by making an appropriation for this purpose. It is nothing more nor less than the policy pursued by England many long years with great success, which now is self-supporting and the government aid is no longer required. And why should it not be so here? We are getting to be a great manufacturing nation and we must compete in the markets of the world. And for these reasons, representing, as I have the honor to do, one of the largest manufacturing districts in this country, which is first in the variety and second in the quantity, under these circumstances I give this bill my unqualified and earnest support.

Brazilian Mail Subsidy.

SPEECH OF HON. G. A. BICKNELL,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 28, 1879.

On the amendment of the Senate to the bill (H. R. No. 6143) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes.

Mr. BICKNELL. Mr. Speaker, this amendment proposes to pay \$300,000 a year for carrying the mails to Brazil, when we all know it can be done for \$15,000 a year. It pretends to allow fair competition when everybody knows that such conditions are annexed that nobody but John Roach can take advantage of it.

This House has voted by a large majority against all subsidies, but this amendment proposes a subsidy of the most offensive kind. These considerations alone ought to defeat it. The pretense is made that this legislation is necessary to promote commerce with Brazil, but commerce that cannot exist without gross and flagrant injustice ought not to exist.

To take \$300,000 a year for ten years, \$3,000,000 from the hard earnings of the already overburdened tax-payers of the country, and give it to one man to promote his business has no democracy in it; no democrat can safely support it. Where nations need each other's trade, where conditions exist that would make such trade profitable, the activity and energy of their merchants will establish it and carry it on successfully; where such conditions do not exist, subsidies are wasted. If other nations can undersell us in the ports of Brazil, no subsidy will help us; but if we can undersell other nations, our merchants will take our goods there without subsidy.

Past experience ought to teach us something. We had a subsidy for Brazilian trade and the result was that when the subsidy ended we had no more trade than before. The money we paid went for nothing then, it will go the same way again. Recently the well-directed energy of the merchants of Baltimore has built up a profitable and growing commerce with Brazil, the conditions are beginning to be favorable, but this proposed subsidy will not only break up and ruin that industry, but will utterly destroy the healthy competition which is the life of all business.

Mr. Roach has already a contract with the Emperor of Brazil, by which he will be paid for running his vessels to that country. Let him be content with that advantage. It is our business to protect the people against all these reckless schemes to take the public money for private advantage, on the false pretense of anticipated public benefit.

The Sugar Tariff.

SPEECH OF HON. H. R. HARRIS,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 26, 1879.

On the bill (H. R. No. 6134) to regulate the duties on sugar.

Mr. HARRIS, of Georgia. Mr. Speaker, experience has shown it to be true in every instance that the only way to prevent frauds on the revenue is by so simplifying the tariff as to take away the temptation. This fact is so fully and forcibly illustrated by the history of the whisky frauds, with which all are familiar, that it needs no further proof to demonstrate its truth. The effort has been fairly made to collect duties on sugar under a graduated tariff, but has signally failed, as is proven by the statements of the Secretary of the Treasury to this

House; and any attempt by further complicating the system of collecting the revenue on this article will just as certainly fail as has the classification by the Dutch standard. Under the color standard manufacturers of sugar found it necessary to make sugars dark in order to meet the tariff, and they were made dark, or, through the duplicity of samplers, the sample was made dark whether the sugars were or not.

It is proposed by some to introduce the polariscope, or some other means of determining the saccharine strength or the proportion of crystallizable sugar in the sample, and make this the basis of duty, adding this to the present color standard. But this will only open still wider the door to frauds, and only add difficulties where simplicity is the remedy needed. It was established beyond a doubt before the committee, first of all, that the test by the polariscope is absolutely dependent upon the character of the sample drawn; for the same hoghead of sugar that will admit of under-classification by the Dutch standard will also admit of variations in the test by the polariscope of anywhere from three to eight or ten degrees; and thus the main difficulty suggested by the Secretary in his report, "that the adjustment of the duties is in the hands of the sampler, one of the lowest-paid officers in the public service," is not met in any degree. And not only so, but while it is admitted that in the hands of a scientific expert and with proper care the polariscope does give the percentage of crystallizable sugar in the less than an ounce that is tested, it is also true that from the same sample tests varying several degrees may be obtained; and that in so far as it is used between buyers and sellers, no buyer will take the test of the seller, and *vice versa*; and in the end, after various samplings, an average must be struck by which an agreement can be arrived at. So that if the sampler and the polarizer were perfectly honest, and the law administered by a higher race of beings than that usually found in this degenerate age, there is still room for serious differences and loss to the revenue growing out of any attempt to collect the duties by any such methods.

Furthermore, the adoption of this or any additional test will only set on foot a new series of difficulties growing out of the effort of the manufacturers to outwit the Government. For, as was said by the Secretary in his conference with the committee, "when any attempt has been made in the Internal Revenue Bureau to fix a particular implement (like the Tice meter) as a test, it always has been found that the instrument was, by the ingenuity of the people, avoided or evaded." The bill of the Committee of Ways and Means, by striking out these lower gradations up to No. 13, Dutch standard, remedies all the evils complained of and secures the revenue beyond all question. The number chosen as the lowest dividing line covers all grades of refining sugars, rendering unnecessary and undesirable any artificial coloring process, as well as preventing fraudulent classification through improper sampling.

The advantages to the importer, also, of the simplifying of the system are manifest, and of great importance. Under the present system, by which frauds on the revenue have been practiced, an honest merchant has been placed at a disadvantage by the nefarious practices of his unscrupulous neighbor, without having it in his power to protect himself; besides which, the uncertainty growing out of so many gradations subjects him to losses, inasmuch as he cannot tell, on many kinds of sugar, whether on their landing they will be passed as above or not above No. 7, or No. 10, the difference in duty making a large item.

By the proposed tariff it will be much easier to determine what the duties will be, and hence the business will be done with greater safety and satisfaction by every importer and merchant. But not only will the Government and the importer be better protected by the proposed bill, but I believe that the consumer and the small dealers will share in its benefits. It is claimed by the opponents of this measure that the effect of its passage will be to bring to this market a better grade of raw sugars, which will change the character of the refined product; and notwithstanding all that has been said on the subject of the poor man's sugar, I affirm that if this tariff will necessitate the making of a better grade of sugars for consumption it will be a positive blessing to the poor man, though he might pay a quarter cent a pound more for the new product. Before the committee it was admitted by the gentlemen advocating the continuance of the graduated tariff that the lower grades of sugars, about which so much is said, were exclusively used for the manufacture of a cheap grade of so-called refined sugars, and that the product given to the people contained not simply the crystallizable sugar found in the raw product, but all the impurities as well, which, as nearly as could be ascertained, are simply bleached with chemicals or some other processes and turned over to the people to eat.

Now, it is notorious that the qualities of refined sugar, in their character and sweetening power, given to the people for the past few years have steadily deteriorated, and any attempt to create the impression that the poor man is benefited by the purchase of sugar at a less price because it contains 25 per cent. of refined impurities, or some foreign substance, will not be accepted or sanctioned by this Congress or the community. Low-grade sugars and any other grade of sugars will come in to the extent they are required for the consumption of the country, but if the proposed tariff operates to the improvement of the quality of the article furnished the consumer it will be a blessing to the entire country.

The Sugar Question.

SPEECH OF HON. SAMUEL S. COX,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 26, 1879,

On the bill (H. R. No. 6134) to regulate the duties on sugar.

Mr. COX, of New York. Mr. Speaker, what interest is it that opposes the adoption of the report of the committee? The report moves the difficulties under which the Government is now embarrassed in the collection of the revenue. Does it not simplify every department of business connected with sugar? The only interest apparently in opposition to it comes from a minority of sugar refiners and that class most intimately connected with them. The cry is raised by this interest that the great sugar-refining industry will be seriously crippled by the proposed change of tariff.

Going back to the tariff of 1862, however, it is noticeable that under that tariff the sugar-refining industry was more prosperous than ever before. Statistics carefully compiled show that so great was the prosperity of the sugar refiners that in 1870 the number of establishments had increased to thirty-nine, with a capital employed in the business of not less than \$28,000,000. Under the old tariff a small percentage of sugars fit for consumption was imported in competition with the refined product; but the tariff of 1870 not only prohibited entirely all sugars fit for consumption, but also all the better grades—that is, brighter color—of refining sugars, so that to the refiner was given a perfect monopoly of the entire business of supplying the population of this country with sugars for consumption. I have ever been jealous of monopoly.

What has been the result? The monopoly given to this industry led to the extension of the business far beyond the requirements of consumers, and the building of immense establishments which the business did not warrant, the number reaching at one time fifty refineries. With this increased capacity on the part of the larger refineries came a deliberate and avowed purpose to blot out all the smaller manufacturers and control the entire business. The success of this movement thus far is shown in the fact that twenty-nine establishments have already been driven out of the business, and not less than \$20,000,000 sunk; so that there remain to-day but twenty-one sugar refiners in this country, a majority of whom have petitioned this Congress for the adoption of the bill proposed. Under the process of extermination which has been going on, aided by the exceptionally large crops in the cane and beet-root producing countries, the people have received temporary benefit in the low prices of so-called refined sugars.

But, sir, I cannot be misled by this fact, but I look forward to its inevitable result if continued. Granting to this special interest all they ask in the perpetuation of the present tariff, with its facilities for fraud, or the increased facilities which would be found in the introduction of the polariscope or any additional complication of the system, unless they break down in the attempt, it will not be long before the forty-eight million consumers (I make this popular estimate with some confidence, as a census-taker) will find themselves shut up to three or four establishments for their entire sugar supply; and the Government will have to look to the same monopoly for its revenue of \$40,000,000 on imported sugars. Under this state of things, who will pretend to say that the interests of the people will be better served than under a tariff which gives us forty refineries instead of four, and the healthy competition growing out of such a number of establishments? It will be in the power of these gentlemen to give us just such sugars as they see fit, and of such qualities as they may choose.

It is claimed that in the past few years and until the recent agitation of the subject has forced a discontinuance that sugars have been largely adulterated with foreign substances, and that chemicals have been freely used to bleach them, by which an article attractive to the eye but greatly lacking in sweetening power and in purity, which is so much needed in legislative and social life, has been furnished to the community.

However this may be, and the evidence seems conclusive, one thing is certain, that the quality of refined sugars was never so poor in the history of the trade as during the past few years. Has not the quality steadily deteriorated until public attention having been called to the subject a partial reform has taken place? I claim that the interests of the people demand that we as legislators should so revise this tariff as to secure in the manufacture of sugars such competition as will protect them against the demands of a monopoly and secure a quality of sugar which shall not only be free from dangerous adulterations but by its sweetening power be not only apparently cheap but actually so. I know not "seems" as to sugar. Let us be just to the substance, which is aliment and life!

If it be answered that any abuse of power on the part of this interest may be promptly checked by changes in the law by Congress, it is worth while to consider for a moment the position of the question to-day. With their immense capital and power these refiners are able to command in their service, both by their writings and personal influence, those who have been heretofore the leading apostles of free

trade. Large commercial houses who are on record as recommending uniform rates and the abolition of the present graded system, by their dependence upon these establishments, have been led to change their views and advocate such tariff as suits best this special interest, while other large houses who do not hesitate to state their convictions in favor of a uniform tariff decline to identify themselves with such movement lest they should thereby be compromised in their business relations.

The dealers in hoops and staves in Michigan and Indiana are given to understand that.

From the testimony produced in this matter it will be seen that the product of the refiner made from low-grade imported sugars is not pure sugar, but, as is stated, a composite article containing sugar and impurities, and that all the cry about cheap sugars raised by this monopoly is calculated to mislead and deceive the people, and that true economy in the use of sugar is found in buying a better, because a purer article. I favor the bill of the committee on practical grounds. They are admirably stated by my friend from North Carolina. If they do not tend to increase the employment of labor and to cheapen sugar to the great body of the consumers, I am much mistaken. I vote here, and ever, and forever, for the consumers, who are numerous, and against those who would by indirect legislation prey upon them.

Sale of Intoxicants in the Capitol, &c.

SPEECH OF HON. C. C. ELLSWORTH,

OF MICHIGAN,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 28, 1879,

On the presentation to the House of the great petition of the mothers, wives and daughters of the District of Columbia, praying that the sale of intoxicating liquors may be prohibited in the Capitol and in the District of Columbia.

Mr. ELLSWORTH. Mr. Speaker, I have the very great honor—and I truly regard it as such—and the pleasure, also, of presenting to this House the earnest, living, breathing prayer of thousands of women of the District of Columbia upon the great overshadowing question of the day, intemperance. These ladies, sir, who speak to us by their united voice in the petition I present, are in solemn earnest in this work of reforming men—husbands, sons, brothers, fathers, friends—and they come here in their earnestness, in their beseeching prayer, and plead with you, the law-makers of the land, to stay if possible the great sin of drunkard-making. They look here for help. Will you cheer them? Will you comfort them? Will you bid them God speed in their work of love? They know what it is to suffer. They know the miseries, some of them, that cluster around a drunkard's home. They know, some of them, the sorrows of a drunkard's wife. They know, some of them, the shame that follows and dogs the steps of the drunkard's child. They know, some of them, the despair and hopelessness that gather slowly around the heart of mother, wife, or sister, as day by day the strong man goes down, under the blasting influence of the fire of death. They know, some of them, what it is to stand by the open grave and see the one they loved, as woman alone can love, laid sadly down into a drunkard's grave.

They know, some of them do, the great ache that tugs away at the human heart, when a wife, a mother, a sister sees all that makes life joyful, and living a delight, fade slowly away, while yet they cling to it as the only tie that draws the spirit earthward.

These women come here to you, to us, with their cry for help, with their cry for aid. Will you turn them away with a shrug of the congressional shoulder? Will you, can you, be deaf to their entreaties? They will come again and again and again, until you, or until a braver and nobler set of men who shall take your places here, will hear their cry and come to their assistance. This ghost will not down at the bidding of any Congress; it will appear again and again and knock at the doors of the American Congress until it will be listened to and heeded. They will come and plead and pray until their pleadings and prayers are answered, and you cannot stay their coming if you would. This is the next great movement among the people and the nations of the earth, and no man or set of men, or classes or race of men, can stop it or hinder it from claiming the attention of the world. These women do not come here because it is any possible pleasure to come of itself; they do not come to trouble you and occupy your time for any mercenary motive. They only come because they cannot stay away. They come at the command of their own consciences, which cannot be still while so much wretchedness and death is spreading around and among them.

The world is moving, and great reforms are happening. All men are brothers; the universal brotherhood of man must be recognized all over the world, and the time is rapidly approaching when this great, grand truth will be acknowledged everywhere. With this truth proclaimed in every land the downfall of the liquor reign is nigh. The movements of the nations of the earth are upward and forward. A great vein of sympathy, yea, so to speak, a great artery of love, is growing up, reaching all through the world and all over

the world, bringing nations and individuals nearer and nearer to one great central throbbing heart, where each and all can understand and sympathize with every other, and soon no man will be allowed to murder his brother man with a poisonous fluid any more than with the deadly bullet or the glittering knife. Soon the united voice of the nations will decree it murder to tempt a man to his death by a witching poison. Some time in the future the man who now sends your son to the gallows or the prison by the influence of rum will take that punishment himself. Crime will be crime and murder murder by and by when the world wakes up to this great question of the hour, and the real criminal will take the punishment he now turns over on another.

These women, many, doubtless, of whom have walked among the shadows of the drunkard's home, and sat in the thick gloom that lingers there, with tearful eyes come and plead with you to help them. Help them do what? Help them save the husbands that are in the way of death; help them save their boys that are lost; help them save their fathers from a drunkard's grave, save their homes from the destruction that hangs over them; help them drive away the gloom that has settled over a thousand households in the city of Washington alone, and a hundred thousand in the nation. They do not come here and plead and pray on any idle errand, you see. They come to lift up humanity, to lift up the fallen and to crown them anew. Such is their glorious errand; such the work they would do; and who will extend the friendly hand and breathe the cheering word? Shall we? Or shall we rather deride and scoff when they go away? Why not up to their assistance with warm and willing hearts, so they may leave here refreshed and cheered on their way? It does seem to me, sir, as though we should do a great wrong, almost rising to the dignity of a crime, if we did not welcome this delegation of earnest workers for the poor unfortunate man who has lost his self-control, and for the salvation of the man who is in the way of coming ruin.

There is no grander work in this sin-stricken world, and can be none. And at our hands these noble women should meet with no discouragements. We should be their steadfast, unfaltering friends. But are we such?

I regret exceedingly that these petitioners delayed coming to us until we are in the hurry, the anxiety, and excitement consequent upon the near close of the Forty-fifth Congress. I regret they came so late that the House could not consistently give them a few minutes' hearing before the full House, and also have allowed this petition to have been printed in the RECORD. I will not criticise this action upon the part of the popular branch of Congress, but am very sorry it should have been thought necessary to treat these brave women quite so cavalierly. These women, who know what suffering is; these women, who know full well the sad results of the sale of intoxicating liquors in the District, ask you to stay the accursed work. They pray you not only to drive the beast out of this marble citadel of freedom, but to drive it from the District of Columbia.

Here you have full control of this subject; here you can prohibit the sale if you will. And they only ask you to do what you have the undoubted right to do under the Constitution of the land. And if they have any prayer more earnest and importunate than another, it is that you will banish the sale from the Capitol.

Mr. Speaker, Talmage says there is no intoxicating liquor sold in the Capitol. Dear, honest soul! No liquor sold? How little he knows about it; how unsophisticated he is. It will astonish the dear man when he learns the truth. No liquor sold in the Capitol! Would he were right, but he is deceived, mistaken, and he goes on to deceive his people, all unconscious of the truth. And who deceived Talmage? How was this shrined preacher and learned theologian made to believe a lie? "How," you answer. I will answer for you. You deceived him by your actions here; you deceived him by your resolution of December, 1877, and action thereon. Talmage believed, after reading that record, that no liquors were permitted to be sold in this building. He had a right to so believe. Such action would deceive even the elect; so Talmage was deceived, and he went on with the fraud, innocently to be sure, and deceived his people; and so the people have been misled and deceived all over the land. They supposed we were honest in passing that resolution; they believed in the honor and honesty of the American Congress; they believed we meant work when we adopted that resolution. We did not. It was a lie to deceive the people with.

But what is the truth? What have we done to stay the wicked traffic here? What has been done save the passage of that resolution? Simply, nothing; no voice has been raised against the sale of intoxicating liquors in this building, since the resolution was acted upon, until the recent charges were preferred against the keeper of the House restaurant, and yet the sale has gone steadily and surely on until these charges were preferred. The tramp of the whisky-seller has resounded in the halls below us every day, and the sparkle of the champagne has lent its potent charm to the restaurant all the while, and yet we have been silent and still, and by our silence and want of action and opposition we have given leave and license to the business, and the House restaurant under our treatment had finally blossomed into a full-blown whisky saloon. Do you like the flower? It came from your own planting and pruning. Do you feel proud and happy when you hear the jingle of the glasses below? You ought; it is the child of your own begetting. What good resulted

from your resolution? None whatever; it was of no possible, earthly good; it was a sham, a humbug, and only intended to silence the public voice and still the public conscience and quiet the public nerves; that was all, and you know it, my honorable friends.

It was a fraud—bare, bold, black fraud upon the people, and had its desired effect. They did believe, they did trust, they did honor, they did praise, they did applaud; and yet the solacing stimulant remained within easy reach. They did believe and trust in your integrity and diligence, and how have you answered them? They did rely and rest upon your manhood and morality, and how have you treated them? They did offer a prayer of sweet praise and thanksgiving to the Great Father that the Capitol was no longer desecrated with the sale of intoxicants and that their Representatives had had the courage to drive it out. Poor deluded and deceived constituents, what shall we say to them? Say the truth, that is the only thing to do. Tell Talmage the solemn truth: tell him the resolution was just what it was, simply a fraud, a cheat upon the people, a humbug that was used to dupe the innocent and unwary with and lead them away from the truth; tell him he has misled his people, and that the American Congress is culpable for that deception; tell him the House restaurant was, up to the very hour of preferring those charges, a bustling, busy saloon, where drunkards are helped on their way to death; tell him the Representatives of the people—from the honest, industrious people; from the temperate and religious people—wink at the sale of liquors that will madden the brain even in the Capitol of the great Republic. What else can you tell him and give utterance to the sincere and solemn truth?

So far as I am concerned, I propose the people shall know the exact truth in regard to this matter. They have been duped long enough; they have trusted in a lie too long already, and they shall be undeceived. Such is the only manly course.

Only a few years since, six young men of promise, of far more than ordinary hope and promise, were elected to the Legislature of one of the Western States. Long lives of usefulness and honor were before them if they would have it so; all drank moderately; all were social, and did not refuse the social glass. How sad the result! Four of this group of young men, so full of hope and expectation, lie to-day in drunkard's graves, one is in a lunatic asylum in consequence of inebriation, and only one escaped. Only one saw the danger in the distance and escaped as with his life. All the others are lost. What a word—lost! And yet we must tell the people that we have encouraged the sale of the accursed stuff, even in this very building, erected with the people's money we have been deceiving. How can we help doing so and yet tell the naked truth? And they want the truth and they shall have it. I have sworn to give them the facts, and will.

Mr. Speaker, I think the sale here at least should be stopped. It seems strange that we sit here silent, day after day and week after week, knowing all the while that the joint rule of the Senate and House in relation to the sale of intoxicating and malt liquors in the House restaurant is being violated every day; it seems strange in the first place that the keepers of the House restaurant will dare to trample on the authority of Congress, and yet they do so; strange that they continue to sell under the very eyes of the officers of this House, whose bounden duty it is to see that no liquor is sold in this Capitol; strange that they dare to sell in the very presence of members of the Committee on Public Buildings and Grounds, and yet such is the remarkable fact; strange that they can sell in such manner as they do and avoid being detected by these agents of the House, appointed to see to the strict enforcement of said joint rule, and yet it would seem that such is the fact; for surely we should suppose all the officers of the House, as well as the members of said committee, would lose no time in putting in force said rule if they had discovered its violation.

What shall we say was the object of the passage by this House in the month of December, 1877, of a resolution condemning the violation of said joint rule 19, and directing the proper officers to see to the enforcement of said rule, and then sitting here for long months thereafter and pay no heed to the utter disregard of said resolution by said keepers, and yet permit them to go quietly on in their business without one good honest effort to arrest the business and to send it from the walls of this Capitol? What was that resolution favorably considered for? Why did we vote for it? Was it to deceive the people, as I have said, and lead them to believe, who read or heard of the proceeding, that the liquor trade had no standing-ground in the Capitol? Was it simply to gain a reputation from the people for a manhood that is not ours by right? These are questions worth consideration and ought to be answered honestly, and honorably, by the members of this House.

Did we intend the people should believe we had the moral courage and consistency to send the liquor traffic from this place and still allow it to remain and poison the air we breathe, so we could gain a good standing with the people at home and yet have the luxury of the bowl so near at hand as to be within smelling distance of this Hall? Doubtless there are honest thousands of the good citizens of this country who read the action of the House in passing said resolution of December, 1877, and who read from the RECORD of same date the brave and dignified words of our distinguished presiding officer denouncing the sale of liquor here, who have not the slightest idea that any intoxicating beverages are being sold in the Capitol, and it seems almost cruelly to undeceive them.

I am aware that to attack this traffic is unpopular in this House. Yes, " 'Tis true, 'tis pity, and pity 'tis 'tis true." We have seen the influence of the business right here; it has cast a gloomy shadow over this Hall; hung a cloud over us that has no silver lining. It is a mistake to say there is a silver lining to every cloud; there are clouds with no bright foldings to them anywhere, and such is the shadow lifted over us here, and this wicked business hung that cloud above us. And yet we smile at any attempt to drive it even from this political home of the nation. We smile at the wild effort of fanatics, as we style them, to banish the whisky trade from the Halls of Congress. You may pass a resolution for home use, the keepers say to themselves, but you will not meddle with their business. Why not? Why not meddle with their business? Because men love to drink; that is why. Then be manly enough to proclaim the fact to the people at home and not work a fraud on them.

It is petty larceny; petty larceny of the confidence and opinion of the constituency you represent; petty larceny of the meanest sort known to men. Say to the people you approve of the sale of intoxicating liquors in the Capitol. Say it bravely and boldly, like honest and honorable men. Say you want the ruby wine, the sparkling champagne, and the fuddling whisky close at hand, and that you will not drive it out. Say you come to have a good time, a jolly season, and you propose to allow no disturbance of your plans. Say you are not to be influenced nor turned aside from your programme of pleasure by the wishes, or prayers, nor even by the tears of the suffering ones at home. Dare you say so much in plain truth-telling words? You say the same by your want of action in the premises. You say every day by your winking at the violation of the rules of the House and the revenue laws of the land by these sellers of whisky and vendors of champagne, that you are satisfied with the course they are pursuing.

You dismissed Colonel Polk because he gave relief to fifty-six families in a time of great distress and want in this city, by giving each ten shillings per day, instead of aiding twenty-eight families only to keep the hungry wolf of starvation at bay by giving them twenty shillings per day.

You retired Colonel Polk because, when pressed almost to death by a hungry army of democrats, he gave employment to a few men more than the strict letter of law authorized. And yet you look with utter indifference upon the violation of laws by these keepers. Why was the law so sacredly guarded in the case of the Doorkeeper and so utterly disregarded in the case of the other keepers? Your friends at home, who believe in their hearts that liquor-selling is the great and overshadowing crime of the age, would be pleased doubtless to have you answer freely upon these questions.

They have a right to your answers, too, and they will not be content with the passage of a meaningless resolution either. Will they? Deeds are worth more than words, and they will look for the deeds, my friends.

Mr. Speaker, not many years since there lived in one of the old New England States—that land of steady habits and of stern moral action and strict religious belief—a man in the early morning of his manhood, a noble and grand man, who already, though young, comparatively stood at the head of the front rank in his chosen profession, the law. He was a brilliant man, a man of genius, whom the gods had blessed, a man of winning manners and captivating address. He was the pride and glory of his native city and county; he was active in every enterprise which promised good to his people and happiness to those he loved. He had grown into the hearts of the citizens who knew him, and who watched his growth into manhood, and he was their idol. He was a scholar of more than ordinary excellence and acquirements. He was an orator of wondrous power; thousands hung upon his words entranced, for they made sweet music in the air.

The people who loved him desired to honor him and thus honor themselves, and with almost a united voice, without respect to party ties or lines, they called upon him to leave the profession in which he was so distinguished and brilliant a star, and take a seat in this House. He responded to that call of his loving people, and came here and took his place in the House of Commons of the Great Republic; and for a little time he seemed to promise well at the Capitol. His suavity of manners drew around him numberless friends. He was welcomed everywhere, for he was gifted as a conversationalist, and he charmed wherever he went. All hailed him with delight who knew him, and in a brief space of time he was a warmly welcomed friend in every circle where he went; and his people were more than proud of him; they worshiped him and trusted in him and gloried in him. What then? Alas! what then?

He learned to love the sparkling bowl. He drank deep of the liquid fire of death. He fell as rapidly as he rose. He went down as goes the shooting star, lost while you gaze in wonder at its beauty and its brilliancy. He went up as the rocket goes into the air, and came down as rapidly and almost as worthless. He left the people who loved him when he came in the pride and beauty of a noble manhood, who cheered him as he went and prayed for him when away. He went back to the same loving friends in a little time, broken in his manhood and marred in his beauty, for the mark of the beast was on his brow and written over his young face in lines that all could read and understand, and they received him with silent tears and sighs.

And that man received his first lessons in the way to ruin at the

capital of the nation. That man came here pure and free from drunkenness, with no chains round his young, pure manhood. He went away manacled and a slave to ruin. He came here strong and brave and beautiful and brilliant; he went away from here weak as a child, with his beauty spoiled by the red eye and the bloated face; he went away from here with his brilliancy dimmed and beclouded forever. He has never risen to the old height again. His pride of character received a death-wound here, from which he could never fully recover. Here, at the capital of the country, in the society of the elegant, the cultivated, and the refined, that man, the peer of any other man the wide world over, found the charmed circle that wove around his young, brave, honest soul a spell he could not break, a web from which he could not escape.

Here, in the white marble whisky saloon of this magnificent Capitol, that man was more than murdered. Here, at the place of all others where genius and talent should be safe from temptations and snares, that young man was wooed by the sparkling cup and glittering festivities of the metropolis, to his ruin and his death. And this picture I have given, truthful to the very life, is not the only one that the truthful pen of history might give you to gaze upon. Other men have fallen here; other friends have been saddened by the ruin wrought by a life at the capital. Other constituencies have received their Representatives with tearful eyes as they looked upon their fallen condition. I could tell you of them if I would, but will not. We have seen enough in our day in this House. We saw the work of the fiend that fattens and thrives on the hopes and affections of our race, during the last wakeful night of the last session of this present Congress. And the shame of that one night will live on and make honorable members of this House blush at its recall. The disgrace wrought by whisky during the last night of the last session has been heralded over the country and the world, and it will not sleep nor die.

An American Congressman, standing in his place on this floor, bereft of reason and judgment, stupefied and besotted with whisky, is a pitiable and a humiliating picture to gaze upon; and yet the papers say it was true. What say you, my honorable friends? Do the papers misrepresent this House; and was it a libel upon this place and the men who stand here to represent an honorable and temperate and Christian people? Would any of us be willing to stand up and deny the charge? If so, let him speak. Who will? Do you remember how freely the intoxicating cup flowed that night in the restaurant of the House? Do you remember the demoralized state of things in that place consequent upon the sale of champagne and whisky there? Is it true that the House restaurant was simply a whisky saloon on that occasion, where men were made drunk—men who should have kept their minds clear and unclouded ready to transact the important business of the country?

While Francis Murphy, with his eloquent Irish tongue, is firing the hearts of the people of the East upon the subject of intemperance and drunkenness, and thousands upon ten thousands are coming up out of the gutter and the valley of shame and putting on a new manhood and dropping the drunkard's rags and donning the garments of respectability; and while Dr. Reynolds is calling tens of thousands of the West from the slough of despond and despair to the high lands of sobriety and hope; while tens of thousands of women of our country, who have drank of the bitter cup of woe and sat down in the thick gloom that gathers around the drunkard's home, are pleading, weeping, and praying—for somebody has truthfully said, "as long as men drink women will weep and pray"—shall we, honorable members of the American House of Representatives, do nothing to stay the ravages of the great destroyer?

Shall we not only do nothing to lessen, but encourage this crying evil that is bringing poverty and wretchedness upon a great army of our people every year and filling our prisons with blasted lives and our almshouses with the unfortunate wives and children of the drunkard; but, what is worse still, shall we aid in giving character and strength to this wicked traffic by allowing it here in this very temple of liberty? And thus shall our wise statesmen and brilliant orators give to this business the sanction of their countenance, and all of this great influence go out to win the young into this way of death?

We can hardly have any adequate conception of the great influence of the example of such men as talk to the world from this Hall when they lend that influence in favor of the use of intoxicating drinks.

We trample on the great religious sentiment of the country when we allow intoxicating liquors to be sold in this Capitol and defy the temperance army of the land and add to the despair of the weeping and praying thousands of suffering wives and daughters of the nation and the world. Shall we permit it longer, is the word? I trust, I believe, every man here will say no, we will not. It would seem to be enough for the National Government to stamp its approval upon this wretched business of making men besotted and worthless and wretched and degraded by licensing the sale of the poisonous stuff, and allowing the nations of the world to flood our country with it for paltry money, without further giving it character and power among the people by admitting it here in this home of the nation, which should be kept pure and clean and free from anything that can destroy or make mad.

Here, at least, our young men who come to look upon the gathered wisdom of the state should be free to wander through all its halls,

its rooms, and corridors, and look upon no destroyer of human reason and no example which shall in any way tend to sway them from the path of safety and of peace. Here they should learn only wisdom and to practice the virtues that make great and ennobles any people.

I am impressed with the fact that this is an unpopular theme in this place, and this truth is most discouraging of any. Unpopular, and why, pray? Why should it be so? And why is it? Because men love to drink. That is the saddening answer that comes back to us—because men love to drink; because the sparkle of the wine is charming; because the flush of the wine is so seductive. But the poet says truthfully:

The flush of that wine that is only a bait,
A curse lies beneath, as you'll find when too late.

How many thousands and hundreds of thousands have so found it already, and the sickening history of the great destroyer of human hopes and human lives repeats itself as the years roll on, and increases as they roll.

We have come upon a time in this country now, even now, when the very life of the Republic is threatened by this curse. Why, the mind grows dizzy in contemplation of the figures that express the immensity of the sale of liquors in this country, that add nothing to the wealth or comfort of the people, but bring only poverty, wretchedness, misery, blasted names and blasted fortunes, broken homes and desolate hearts and fainting hearts. Seven hundred and thirty-five millions of dollars thrown away out of the great treasury of the people—yea, worse, far worse, than if thrown into the sea—annually! What a sum for the nation to squander or invest in the purchase of wretchedness and woe! What a sum to go out from the pockets and coffers of the people annually in the purchase of poverty and disgrace! And shall we add to and stimulate that kind of business by our example here, or by allowing it to be sold here in any way or manner? I trust not; but we shall see.

Honorable members of this House have said to me that it would be unsafe to make any persistent effort to drive this traffic from the Capitol; that any member so doing would array against himself such an opposition as to endanger the passage of any measure required by his constituents. I cannot believe it; I will refuse to believe it, and wait for what I may see in that direction, trusting to the honor and charity and good heart of the members here to refute any such absurd idea. I feel that we ought to drive this wicked thing from the Capitol of the nation.

Well might the Saviour again appear to rebuke some in high places, and enter this temple of liberty, not to throw down the tables of the money-changers, but to break in the heads of whisky barrels and scatter the champagne baskets and smash the bottles, and with a whip of scorpions drive out the whisky sellers and champagne vendors.

Let us drive them out and make them stay. Let us clean this home of the nation from all such wickedness and uncleanness and make it fit for our young men to visit without danger to their hopes and lives. We cannot do less and do our duty to the praying thousands of our people; we cannot do less and go home satisfied with our work; we cannot do less and receive the approval of our own consciences and the "well done, good and faithful servants," of the people. We cannot put this question aside with a smile of derision and say we have done what we could for the constituencies that sent us here. Now is the time to act in this matter and it admits of no delay, no waiting for a more convenient season.

Our expressed wishes have been disregarded and the authority of this House defied and spit upon, and yet we have been silent, silent too long, and winked at the desecration of this building; and shall we not act, and act at once and in such a manner that the violators of the laws of this House will learn to no longer trifle with the authority of this body? These are important questions, and the people demand that they be answered, and answered now. Ten thousand and thousands anxious souls are waiting and watching the action of this branch of Congress to see what will be done in this regard, hoping and praying that the liquor traffic may be driven from these walls at least, and shall we disappoint them? Decided action against the nefarious business here will give comfort and hope to thousands of anxious hearts.

Justice demands, humanity demands, that we strike a blow that will place our full condemnation upon this business, and let the country know how we feel in relation to this evil, this shame, this crime of the nations and the great sin of the age.

A royal daughter of the house of Rechab presides at the White House in unequalled majesty and proffers the glass that ruins to no man. She smiles not when the wine goes round. She dares to be singular and braves the sneer and the smile of derision, and the nation loves her for her heroism and she will be enshrined in the hearts of the American people and her name will go down the ages linked in the memories of the people with bravery, beauty, and blessing, with dignity, duty, and devotion. And while this brave woman is performing such a service for her country and the world, shall we fear to be singular? Shall we stand idly by and see the work go on here and make no effort to stay the tide of woe? Our country demands that we, too, make some history on this great question which will not down at the bidding of any man; it will live and the agitation will go on

until some time in the future this crime against the bodies and souls of men will be destroyed and overthrown forever.

But our duty is before us now and here, and you and I must perform it or leave it unperformed, to be done by other and braver men who shall take our places. We have but little here to do, but that little when boldly done, when bravely done, will have a potent influence in the land for good. It will cheer the hearts of ten thousand earnest workers for the right, and in some degree at least discourage and weaken the power of the enemy. And we will not evade the issue or put aside the question. Let the voice of the nation go forth in language that cannot be misunderstood, condemning this unhallowed traffic in the Capitol, and we shall have taken one important step in the way of duty, and all good men and all good women in the land will say, "Amen."

Do we need any further argument to stir us and move us on to duty?

Look on this picture and then on that. Behold a young nation in its infancy, only just over the first centennial line, with forty-five millions of energetic, enterprising people, proud and prodigal, ambitious and aggressive, squandering \$735,000,000 of its wealth annually on that that only leads to its downfall and its death. See twice ten thousand men sighing in prison-cells, sent there by this awful traffic. Gaze upon that marching army in our land of hundreds of thousands of drunken men, followed by an army of hopeless wives and children that outnumber the army the first Napoleon marched from his empire to die amid the snows and cold of Russia. Look upon the great number of almshouses filled with the widows and orphans of the army of men that have staggered into drunkards' graves. And then look upon the grandeur of the Capitol of the nation, and go down into the magnificent restaurant of the House and there behold the liquor seller and the champagne vender in his glory, tempting the young man and the old man to his death, and then vote against driving it out if you can. Then refuse to strike the blow that shall hurl the whisky-bottles and champagne-baskets from this sacred place if you will, and go home and tell it to your people and listen to their scathing reply.

I have sat here and watched this business silently as long as I could, my friends. You shall not any longer want an opportunity to act. I know, and many at least of the members know, that the authority of this House is defied and set at naught almost daily, and still the work goes on.

And here comes now a great prayer from the people of this city and District, a great, silent, pleading prayer, from the homes and hearts of the good women and the suffering women of this great city. And this prayer calls upon you to stay the surging tide of evil in the District of Columbia, where you have supreme authority. They ask you to shut down the gates and cut off this flood of death in this District; and they have a right to a candid and generous hearing. They have a right to be kindly listened to and kindly answered by the servants of the people. Will you do so? Will you ever do one noble deed in this direction? Will you utterly neglect to give these anxious souls one encouraging word, one that they can cling to and trust in and know it will not fail them in the hour of need? They want the brand of shame stamped upon the sale of intoxicating drinks, and they ask nothing more than you have the power to grant. Will you grant it? That is the question. Will you take the bold step and say no intoxicating liquors shall hereafter be sold in the District of Columbia? I hardly expect so much at your hands at this time.

Great reforms must have time to grow. They do not spring into life full-fledged in a moment, or an hour, or a year, but grow, grow slowly oftentimes; but the growth will come after a while. About twelve years since a joint resolution was passed by the Senate and House prohibiting the sale of intoxicating and malt liquors in this Capitol, or within the public grounds adjacent, and yet the sale has been continued in both ends of the building ever since, save at short intervals, when the temperance people have made a raid upon Congress for its suppression, which has occurred a few times in this long period, when the keepers of the restaurant have suspended for a few days until the pressure was over, and then have invariably gone on with the sale again. All of these facts have been fully proven before the committee who have been investigating the charges lately preferred against the keeper of the House restaurant. It has been shown that intoxicating liquors have been sold in the House restaurant regularly up to the time said charges were preferred, except as above mentioned.

I do hope and trust that the day is not far distant when the sale of intoxicating drinks will be driven from the National Capitol at least, and one good step will then have been taken, and other steps in the same direction will soon follow, as one step in any direction leads naturally to another. God forbid that we should any longer refuse to listen to the voice of the great army of sufferers that comes up to us here from all over the land, like the sound of many waters. By all the sacred memories of this spot, by the prayers and tears of the millions yet in the valley of humiliation and of woe, by the sounding cry of the hundreds of thousands coming up from the shadowy land of despair guided by the star of hope, I beseech of you to no longer strengthen the temptations and add to the despair that gather around the stricken ones who are looking here for encouragement and consolation, but send them a good word of cheer, and let them rejoice and be glad at the dawn of a brighter day.

Exchange of Trade-Dollars for Legal-Tender Silver Dollars.

SPEECH OF HON. J. W. DWIGHT,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 27, 1879,

On the bill (H. R. No. 5277) to provide for the exchange of trade-dollars for legal-tender silver dollars, and for other purposes.

Mr. DWIGHT. Mr. Speaker, the bill I wish to consider reads as follows:

A bill to provide for the exchange of the trade-dollars for legal-tender silver dollars, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall cause to be exchanged, at the Treasury and at all subtreasuries of the United States, legal-tender silver dollars for trade-dollars of 420 grains standard silver, at par; and shall receive the said trade-dollars into legal-tender dollars of 412½ grains of standard silver, as now provided by law, and shall stop the further coinage of trade-dollars.

This bill is approved by the distinguished chairman of the Committee on Coinage, Weights, and Measures, [Hon. ALEXANDER H. STEPHENS,] and also a majority of that committee.

But, Mr. Speaker, as a member of that committee I desire to submit some of the reasons which have convinced me that this bill should not become a law.

My first objection is, that if it is passed it will compel the Secretary of the Treasury to pay for the bullion contained in every trade-dollar that has been coined more than it is necessary to pay for the same quantity of silver bullion, which would amount in the aggregate to a very large sum, as we shall see before I conclude the observations which I now propose to submit.

Another objection is that if this bill is placed upon the statute-book the effect of it must be to increase the aggregate amount of a depreciated currency within a short period of time to the extent of the whole amount of trade-dollars which have been coined since the passage of the act authorizing their coinage, and which amount in the aggregate to nearly thirty-six millions of dollars.

A further objection may properly be urged against the passage of the bill is that it will, if it becomes a law, stop the coinage of the trade-dollar.

The United States silver dollar, popularly quoted as "the dollar of our fathers," was authorized to be coined by the coinage act of April 2, 1792. Its weight was fixed at 416 grains, and fineness at 892,004. The relative value of gold to silver in the coinage as placed by this act was as 1 to 15, while the average ratio of the two metals commercially during 1792 was 1 to 14.43. The value, therefore, of the silver dollar as compared with gold at that time was 103.9.

The following table shows the commercial ratio of the two metals and the gold value of the silver dollar since that date:

Date.	Relative value.	Gold value.	Date.	Relative value.	Gold value.
		<i>Cents.</i>			<i>Cents.</i>
1793	1 to 15.01	99.9	1814	1 to 15.85	94.6
1794	1 to 15.32	97.9	1815	1 to 16.30	92.5
1795	1 to 14.77	101.5	1816	1 to 13.64	109.9
1796	1 to 14.77	101.5	1817	1 to 15.58	96.2
1797	1 to 15.45	97	1818	1 to 15.42	97.2
1798	1 to 15.45	97	1819	1 to 15.82	94.8
1799	1 to 14.29	104.9	1820	1 to 15.71	95.4
1800	1 to 14.81	101.2	1821	1 to 15.98	93.8
1801	1 to 14.47	103.6	1822	1 to 15.91	91.2
1802	1 to 15.23	98.5	1823	1 to 15.91	94.2
1803	1 to 14.47	103.6	1824	1 to 15.64	95.9
1804	1 to 14.67	102.2	1825	1 to 15.69	95.6
1805	1 to 15.14	99	1826	1 to 15.69	95.6
1806	1 to 14.25	105.2	1827	1 to 15.77	95.1
1807	1 to 14.46	103.7	1828	1 to 15.77	95.1
1808	1 to 14.79	101.4	1829	1 to 15.95	94.0
1809	1 to 16.25	92.3	1830	1 to 15.73	95.3
1810	1 to 16.15	92.8	1831	1 to 15.73	95.3
1811	1 to 15.72	99.7	1832	1 to 15.73	95.3
1812	1 to 15.04	99.7	1833	1 to 15.93	94.1
1813	1 to 14.52	103.2			

From an examination of the above table it will be seen that in the early history of the coinage—1792 to 1816—the bullion value of the silver dollar, as compared with gold, fluctuated both above and below its nominal value, but that after 1816 the bullion value was uniformly below the nominal value.

During the period embraced in the foregoing table—1792 to 1833, inclusive—the silver dollar met with but little favor as a coin for circulation, and notwithstanding the fact that it could have been coined for depositors of silver bullion at the Mint during a greater portion of that period at a profit to themselves, only 1,439,517 dollar pieces were called for in a space of forty-two years.

The fractional parts of the dollar were of the same fineness and of proportionate weight, and, with the dollar, were full legal-tenders.

In 1834, act of June 28, Congress adjusted the relative value of the two metals in the coinage to the ratio of 1 to 16. January 18, 1837, the weight of the silver dollar was decreased to 412½ grains and the fineness increased to .900, the contents of fine metal remaining unchanged.

The relative value of 1 to 16, as fixed by the act of 1834, gave the gold coins a fineness of 899.225, which was an inconvenient fraction for practical operations. The act of 1837, therefore, increased the fineness of the gold coins to .900, making a uniform fineness with the silver coins.

This readjustment fixed the ratio of the two metals in the coinage as 1 to 15.88+, which is still the ratio of gold and silver in the full legal-tender coins.

The following table shows the relative value of the two metals commercially since the adjustment of 1834, and also the gold value of the silver dollar:

Date.	Relative value.	Gold value.	Date.	Relative value.	Gold value.
		<i>Cents.</i>			<i>Cents.</i>
1834	1 to 15.73	101.61	1857	1 to 15.27	104.69
1835	1 to 15.79	101.20	1858	1 to 15.34	103.95
1836	1 to 15.71	101.72	1859	1 to 15.19	105.22
1837	1 to 15.83	100.98	1860	1 to 15.28	104.58
1838	1 to 15.85	100.88	1861	1 to 15.50	103.10
1839	1 to 15.61	102.36	1862	1 to 15.35	104.16
1840	1 to 15.61	102.36	1863	1 to 15.36	104.06
1841	1 to 15.70	101.83	1864	1 to 15.36	104.06
1842	1 to 15.86	100.77	1865	1 to 15.44	103.52
1843	1 to 15.93	100.34	1866	1 to 15.42	103.63
1844	1 to 15.85	100.88	1867	1 to 15.57	102.67
1845	1 to 15.91	100.46	1868	1 to 15.58	102.57
1846	1 to 15.89	100.56	1869	1 to 15.60	102.47
1847	1 to 15.79	101.20	1870	1 to 15.57	102.67
1848	1 to 15.85	100.88	1871	1 to 15.58	102.57
1849	1 to 15.78	101.30	1872	1 to 15.63	102.25
1850	1 to 15.70	101.83	1873	1 to 15.91	100.46
1851	1 to 15.46	103.42	1874	1 to 16.17	98.86
1852	1 to 15.58	102.57	1875	1 to 16.58	96.43
1853	1 to 15.33	104.26	1876	1 to 17.87	89.43
1854	1 to 15.33	104.26	1877	1 to 17.39	92.93
1855	1 to 15.38	103.95	1878	1 to 17.96	89.01
1856	1 to 15.38	103.95			

During the above period embraced in the table until 1873, the date of the discontinuance of the coinage of the dollar of 412½ grains, the bullion value of the silver dollar was constantly above its nominal value, and this fact in addition to its unpopularity as a coin for circulation kept them to a great extent out of circulation, and they were exported or melted for manufacturing purposes soon after coinage. There was, however, a small demand for these coins for settlement in old deeds of ground-rent, which required by their terms to be paid in silver dollars.

The increase in the bullion value of the dollar over its nominal value effected by the adjustment of 1834 affected in like manner its fractional parts, and being undervalued in the coinage they also were exported to a considerable extent, and the "change money" of the country consisted, therefore, largely of Spanish and other foreign coins, the principal part of which having been abraded to such an extent that their value as bullion was less than their nominal value, they were continued in circulation and the newly coined fractional silver from the mint was subject to exportation.

To prevent United States fractional silver coins being exported and to retain them in circulation as change money, the act of February 21, 1853, reduced their weight nearly 7 per cent., the fineness remaining unchanged. The value of \$1 in fractional silver coins thus made subsidiary coins was ninety-seven cents at the market rate for silver in 1853.

The legal-tender quality of all silver coins of less denomination than the dollar was limited by the same act to sums of \$5 in any one payment.

In 1873, as it appeared to be established that the silver dollar was not acceptable as a coin for circulation, and as it was about 1½ per cent. of less value than the Mexican dollar for trade purposes with Asiatic nations, it was proposed to create a new dollar, the value of which should be slightly in excess of that of the Mexican dollar, in order that it might compete with it in oriental trade, and thus also create a market for the surplus silver of the mines of the Pacific coast. The coinage act of February 12, 1873, therefore dropped the dollar of 412½ grains from the coinage and substituted the trade dollar of 420 grains.

The following are the sections of law creating and relative to the trade-dollar:

COINAGE ACT OF 1873.

SEC. 15. That the silver coins of the United States shall be a trade-dollar, a half dollar or fifty-cent piece, a quarter-dollar or twenty-five-cent piece, a dime or ten-cent piece; and the weight of the trade-dollar shall be four hundred and twenty grains troy; the weight of the half dollar shall be twelve grams and one-half of a gram; the quarter dollar and the dime shall be respectively one-half and one-fifth of the weight of said half dollar; and said coins shall be a legal tender at their nominal value for any amount not exceeding \$5 in any one payment.

SEC. 21. That any owner of silver bullion may deposit the same at any mint, to be formed into bars or into dollars of the weight of four hundred and twenty grains

troy designated in this act as trade-dollars, and no deposit of silver for other coinage shall be received.

SEC. 25. * * * That the charges for converting standard silver into trade-dollars, for melting and refining when bullion is below standard, for toughening when metals are contained in it which render it unfit for coinage, for copper used in alloy when the bullion is above standard, for separating the gold and silver when these metals exist together in the bullion, and for the preparation of bars, shall be fixed from time to time by the Director, with the concurrence of the Secretary of the Treasury, so as to equal, but not exceed, in their judgment the actual average cost to each mint and assay office of the material, labor, wastage, and use of machinery employed in each of the cases aforementioned.

SEC. 26. That silver coins other than the trade-dollar shall be paid out at the several mints and at the assay office in New York City, in exchange for gold coins at par, in sums not less than \$100.

Section 15 created the trade-dollar and made it a legal tender to the extent of \$5.

The bullion value was so far in excess of the nominal value as to prevent it being circulated as money, and the more particularly as coin was at that time at a premium of from 12 to 13 per cent. over United States legal-tender.

The decline in the value of silver, which commenced in 1874 and steadily continued, gave rise to an apprehension in the early part of 1876 that the bullion value of a trade-dollar added to its cost of coinage would soon be less than the value of a United States legal-tender dollar note, and that whenever this took place it could be coined under the law for owners of silver bullion and placed in circulation at a profit to themselves.

Congress, therefore, by joint resolution of July 22, 1876, declared:

SEC. 2. That the trade-dollar shall not hereafter be a legal tender, and the Secretary of the Treasury is hereby authorized to limit from time to time the coinage thereof to such an amount as he may deem sufficient to meet the export demand for the same.

Although the act of 1873, creating the trade-dollar does not specifically state that it was for export, yet it was a fact well understood by all, and the joint resolution above quoted expresses in substance that the trade-dollar was for export and not for circulation.

It was not until the latter part of 1877 that trade-dollars, from the continued decline in the value of silver and the appreciation of United States notes, could be profitably coined with safety to depositors of silver bullion at the mints, to be placed in domestic circulation. Deposits were received to the amount of about \$4,000,000, with the express understanding that the resulting coins were to be exported; but it subsequently transpired that they were not exported, but put into circulation, and the receipt of deposits for coinage into these coins was accordingly discontinued by order of the Secretary of the Treasury and has not since been resumed.

The trade-dollar has never been regarded as a United States coin by the Government, in receipts or disbursements. It has not at any time been coined on Government account. It has never been receivable at the Treasury for dues, and consequently never paid out; neither was it by law exchangeable for gold coin at the mints or assay office at New York. It has simply been regarded as a stamped ingot, the fineness and weight being stamped upon it and guaranteed by United States assay, and this is a distinguishing feature from every United States coin that has ever been struck or issued from the mints.

The Government is in no wise responsible for trade-dollars being in circulation, nor is it under the slightest obligation to redeem them in legal-tender money. No profit has been made by their coinage, and every measure under the law has been exercised to keep them in their legitimate channels. The parties who placed trade-dollars in circulation did so with a full knowledge that they were not legal-tenders, and they realized a gain of the difference between their bullion and nominal value. If they were now to be made a legal tender or be redeemable in legal-tender coin, another set of speculators would step in and realize a still larger profit.

These coins if not made redeemable will eventually find their way out of the country in trade. Since their coinage was discontinued in San Francisco 1,028,141 have been shipped from that port alone to China. If they should be made redeemable in legal-tender coin, the risk is incurred of their return from China where they could be obtained in exchange for Mexican dollars or fine bars at their bullion value, and which at present rates for silver would leave a margin of about 14 per cent. for expenses of importing and for profit on the transaction.

The Director of the Mint, in his report for the last fiscal year, estimated that of the 35,959,360 trade-dollars coined not over 5,250,000 remain in this country, held by California banks and in circulation as money, the rest having been exported.

The following dispatch from the United States consul at Canton indicates that the trade-dollar is the favorite coin for hoarding or laying-by by the natives, (Report Director of Mint for 1878, page 40:)

No. 9.]

CANTON, March 2, 1878.

SIR: I had the honor to receive your dispatch, No. 31, of February 5, 1878, regarding the weight and circulation of the United States trade-dollar, on the 4th instant.

Inasmuch as this coin is taken here at its actual fineness, (900,) I do not think it would be advantageous to have another assay.

Some months since the German consul wrote me on the subject of assaying the coins in circulation here, as per copy of his letter marked "Inclosure No. 1."

After due consideration and consultation with my colleagues, I wrote him as per Inclosure No. 2.

Regarding its circulation, I wrote the Department some time since, as per Inclosure No. 3.

I am convinced that the trade-dollar is gradually increasing in circulation; that it is better liked than the Mexicans. I find that in cases where money is hoarded up or laid by by the natives, the trade-dollar is invariably selected.

Believing inclosures Nos. 2 and 3 give my views fully on the subject, I have the honor to be, sir, your obedient servant.

C. P. LINCOLN, Consul.

An estimate that five million trade-dollars would be returned from China in the event of the bill becoming a law is not at all improbable. Supposing, therefore, that only ten million of the total number that have been coined should be presented for exchange for standard silver dollars, this amount would produce on recoinage 10,181,818 standard silver dollars, leaving \$181,818 to pay for the expense of recoinage and to cover the loss from abrasion and wastage.

The following dispatch from the United States legation to China would seem to indicate that on trade-dollars returned to us from that empire we might expect to find a considerable loss from natural abrasion and from mutilation caused by the Chinese practice of "chopping."

[Page 39, Report Director of Mint for 1878.]

No. 19.]

LEGATION OF THE UNITED STATES,

Peking, July 1, 1878.

SIR: Recurring to Mr. Seward's dispatch, No. 398, of February 7 last, inclosing a copy of a circular letter addressed to our consuls at the several ports, inquiring whether the trade-dollar is coming into circulation, and whether any official action may be taken which will increase the demand for it, I now have the honor to hand to you copies of the several replies which have been received.

From these you will see that the coin in question has obtained no circulation in China, except at Amoy, Canton, Foo-Chow, Swatow, and the Formosa ports. At these places it seems to be preferred by the natives to the Mexican, and to command a small premium.

The burden of opinion would appear to be that no official effort to extend its circulation is advisable, unless it can be made a legal tender for the payment of customs dues at a fixed rate.

I desire to request your special attention to the remarks contained in the dispatches from the consuls at Amoy, Foo-Chow, and Ningpo as to the desirability of preventing, if possible, the "chopping" or mutilation of the trade-dollar.

This practice, which had its origin in a rule made by mercantile houses in the south of China, requiring each firm to guarantee the genuineness of dollars paid out by affixing to each coin its "chop" or Chinese firm-name, and which was done by stamping with a die upon the surface of the coin, has grown into such an abuse that current dollars are defaced beyond all possibility of recognition, and not infrequently coins are found in circulation through which holes have been punched.

In some cases indeed there is good reason to believe that the die has been displaced by a gouge, and a small portion of the metal has thus been abstracted from the coin.

In this connection I inclose a copy of a memorial upon this subject presented to the governor of Hong-Kong in June, 1877, by the leading bankers and merchants of that colony, in which the evils of the "chopping" system are set forth.

It is evident that the mutilation and defacement of any coin tends largely to limit and interfere with its circulation. Whether it is wise to undertake negotiations with this government at the present time, looking to a suppression of this practice in China so far as it affects United States coins, is a question for the Department to decide.

I desire, however, to point out that steps in that direction, if entered upon at all, should be undertaken simultaneously in Peking and London, as the practice referred to is not more common in this country than in Hong-Kong, which, as you are aware, is a British colony.

I have the honor to be, sir, your obedient servant.

CHESTER HOLCOMBE.

HON. WILLIAM M. EVARTS,

Secretary of State.

The expense of recoinage and the loss from wastage in reminting and natural abrasion, not to speak of probable mutilation which the coin has suffered, would probably be sufficient to consume the 73 grains of standard silver, which is the difference between a full-weight trade-dollar and a standard silver dollar to be given in exchange, and so far as the Government is concerned there would be no gain or profit by the operation, even if dollars of 4123 grains were worth what they purport to be worth.

To coin the same amount of standard silver dollars that would be produced by a recoinage of ten million full-weight trade-dollars, namely, \$10,181,818, would require 7,874,000 ounces of fine silver, which at the current market rate would cost the Government \$8,750,000. This would give a seigniorage or profit to the Government on the above amount of coinage, and after deducting 1 per cent. as the cost of manufacture, of \$1,330,000.

The total number of trade-dollars coined, 35,959,360, would, re-coined into standard silver dollars, produce \$36,613,166 if they were not abraded by use. To coin the same amount would require 28,317,996 ounces of fine silver, the market value of which at the current rate would be \$31,464,440, and leaves a seigniorage or profit, after deducting expenses of coinage, (about 1 per cent.,) of \$4,782,595.

The following are the principal countries of the double standard, namely: France, Belgium, Italy, Netherlands, Switzerland, Greece, and Spain—gold and silver in the full legal-tender coins on the ratio of 1 to 154.

All of the above-mentioned countries, without exception, and also Russia, which has been virtually on the silver standard, although its coinage laws provided for the coinage of both gold and silver, have closed their mints against silver, thus showing that they would not allow their gold coins to be exported in exchange for silver, and which would also be virtually an abandonment of a gold valuation and adoption of a silver valuation subject to changes varying with the market rate of silver.

Estimate of the gold and silver product of the United States.

Year.	Gold.	Silver.	Total.
1848	\$10,000,000		\$10,000,000
1849	40,000,000		40,000,000
1850	50,000,000		50,000,000
1851	55,000,000		55,000,000
1852	60,000,000		60,000,000
1853	65,000,000	\$500,000	65,000,000
1854	60,000,000		60,000,000
1855	55,000,000		55,000,000
1856	55,000,000		55,000,000
1857	55,000,000		55,000,000
1858	50,000,000		50,000,000
1859	50,000,000	100,000	50,100,000
1860	46,000,000	150,000	46,150,000
1861	43,000,000	2,000,000	45,000,000
1862	39,200,000	4,500,000	43,700,000
1863	40,000,000	8,500,000	48,500,000
1864	46,100,000	11,000,000	57,100,000
1865	53,225,000	11,250,000	64,475,000
1866	53,500,000	10,000,000	63,500,000
1867	51,725,000	13,500,000	65,225,000
1868	48,000,000	12,000,000	60,000,000
1869	49,500,000	12,000,000	61,500,000
1870	50,000,000	16,000,000	66,000,000
1871	43,500,000	23,000,000	66,500,000
1872	36,000,000	28,750,000	64,750,000
1873	36,000,000	35,750,000	71,750,000
1874	40,000,000	32,000,000	72,000,000
1875	40,000,000	32,000,000	72,000,000
1876	46,750,000	38,500,000	85,250,000
1877	45,100,000	38,950,000	84,050,000
1878	50,225,000	49,000,000	99,225,000
	1,462,825,000	379,450,000	1,842,275,000

Mr. Speaker, from what has been shown it is clear that it has been the policy of the Government, except in the passage of the famous silver bill, February 28, 1878, to make the silver coin of real value, and that it should pass for what it is worth, and be worth what it passes for.

Say what we may, gold and silver are productions, commodities, and articles of merchandise, and their cost and real value depend upon the amount of labor required to produce them, and upon what their purchasing power is in the markets of the world.

All currency to be permanently useful must be real. It represents labor and is used as a convenient mode of exchange, and it will pass for what it is worth, and to pass successfully and to serve the purpose for which it is intended it must be worth what it passes for. If by the mere fiat of law the attempt is made to give it value beyond its real value in payment of obligations either new or old, somebody will certainly be wronged, and it is most likely to be that portion of the people who are poorest and the least able to bear the wrong.

We have seen, from what has been shown, that the policy of creating values by legislation in this country is a modern invention, and directly in conflict with the policy of the fathers, about which the advocates of fiat money have talked so much that they seem to have misled many honest citizens.

We have also seen by the greatly increased production of silver, as shown by the statistics presented since 1860, why the intrinsic value of that metal has been changed. In view of these facts I observe that many European governments have adopted a new policy which recognizes existing facts.

The Secretary of the Treasury said, in his report for 1872:

The intrinsic value of a metallic currency should correspond to its commercial value, or metals should be used for the coinage of tokens redeemable by the Government at their nominal value.

The late lamented Director of the Mint said, in his report for 1876:

In modern times there has never been, so far as the Director has been able to ascertain, an instance of a government undertaking to establish unlimited legal-tender coins at a value above that of the commercial rate of bullion. On the contrary, the actual commercial relation of the precious metals appears in all cases to have been taken into account in fixing money standard, and the metals valued in the unlimited tender coinage strictly in conformity therewith, except in a few instances where a trifling seigniorage had been exacted to cover the cost of coinage.

Here are a long line of statutes and acts performed, commencing in 1792 and coming down to 1876, which are uniform and seem to have received the sanction and support of all administrations and of all political parties. In some sections of the country, however, a fierce agitation of the silver question was commenced, some time since the passage of the act of 1873. Those who have led in this crusade against the Government would have us believe that a great wrong was done by the legislation referred to, and they have apparently succeeded in making a portion of the people believe that the disasters from which the country is suffering on account of a cruel, wicked, destructive war, which loaded the Government and people with indebtedness and deranged all of the business pursuits and interests of the whole people, are chargeable to the fact that no silver dollars containing 412½ grains were coined between the 12th day of February, 1873, and the 28th day of February, 1878.

Mr. Speaker, at the risk of repetition, permit me to summarize what has already been made apparent. From 1792 to 1834 the mint was accessible to all who desired to have silver coined. The debtor was free to choose whether he would purchase bullion and have it coined,

or pay in currency already in circulation. Notwithstanding the mint was open to all and the relative value of gold to silver was fixed as 1 to 15, there had been coined down to and including the year 1805 only \$1,439,517.

From 1805 to 1835, inclusive, not one silver dollar was coined.

It should be observed that when it became apparent that the relative value of gold to silver (1 to 15) as fixed by the original act would not make the silver dollar as valuable as the gold dollar, Congress did by the act of 1854, readjust the two metals in the coinage ratio of 1 to 16, or strictly 1 to 15.9.

From the date of that readjustment to 1873, a period of thirty-nine years, the silver dollar was again constantly worth a premium in the markets of the world. To this period of time I desire to call special attention, for the advocates of fiat money insist that the decline in the value of the silver is chargeable to the passage of the act of 1873, which simply discontinued the coinage of the 412½-grain dollar.

But it should be observed here that the same act provided for coining the trade-dollar, and that it made it a legal tender to the same extent as the standard dollar, (\$5.)

From 1792 to 1860 only 3,658,670 silver dollars had been coined, and down to and including 1873 the whole number amounted to 8,045,832, which was a period of eighty-one years, and an average of less than \$100,000 per annum. The next year after the passage of the act of 1873 there were coined 3,588,900 trade-dollars, which was almost as many as were coined from 1792 to 1860, a period of sixty-eight years, and nearly one-half as many as were coined from the opening of the mint in 1792 to 1873.

From 1874 to 1878 inclusive, there were coined 35,959,360 trade-dollars, which are nearly four and one-half times as many as had been coined in all the mints from the time the first dollar was coined to the passage of the act which has been so much misrepresented and complained of.

With such an array of facts before us it is difficult to conceive in what way silver has been depreciated or the business of the country prejudiced by unfriendly legislation or other act on the part of the Government.

We were told during the discussion which was had last winter upon the silver bill by its friends, that immediately after it should become a law the silver dollar which it provided for coining would again be at par with the gold dollar.

That prediction has not been verified by what has since transpired. At that date the bullion value of the dollar was ninety-three and one-fourth cents; the present value is eighty-four cents. From March last to the 1st of February instant there had been coined of standard or legal silver dollars, 24,556,350; there were on hand at the same date, 18,405,847.

From this statement it is apparent that, with a vigorous effort on the part of the Secretary of the Treasury, he has been able to get into circulation only \$6,150,503 in the purchase of silver bullion, and by all other means which he has been able to employ. It also appears that only a small portion of this sum is in actual circulation, although the Secretary of the Treasury pays the expense of transporting, without reference to distance, to anybody and everybody that will take it, and that which seems to be in circulation is mainly left on deposit, and represented by certificates which are receivable for customs, taxes, and all public dues.

So that, after nearly one year's experience, the results are that there is on hand of silver bullion which cost \$10,349,889.50; silver dollars, 18,405,847; making a total of \$28,755,736.50, all of which seems to be idle capital and has added nothing to the circulating currency of the country. On the contrary, it is lessening the amount of circulation and subjecting the people to the payment of interest on whatever amount may from time to time be invested in coining and holding depreciated dollars that cannot be successfully circulated so long as the people can obtain a currency which possesses full intrinsic value. It must be confessed that silver dollars, even of full value, have not heretofore been a popular currency with our people. The production of silver in this country, however, is now so great that it is important to utilize it by the use of all the means which are at our command. The question remains, how shall it be done?

The monetary commission which was created by the law of last winter and which met in Paris last summer, with commissioners appointed by the Latin Union states and other European nations, in a conference to adopt a common ratio between gold and silver for the purpose of establishing internationally the use of bimetallic money and securing fixity of relative value between those metals, failed to come to any agreement whatever on the subject.

I quote the following, taken from the report of the commissioners appointed by the President, which report was made to the President after the termination of the Paris convention:

Your commissioners did not fail to urge the adoption of a policy of courageous action. But this policy was not accepted, and whatever the causes which disinclined some of the countries most firmly adhering to the principle of a bimetallic circulation to accept it, it was apparent that the two following were especially influential in preventing action at the present time. The first was the existence of the German stock of silver still remaining, and now estimated by high authority at about \$75,000,000. Mr. Feer-Herzog, the distinguished delegate from Switzerland, was disposed to deny to the German stock any considerable influence upon the general market of silver; but the delegations from England and France were agreed in attributing to it great importance in its bearing on the price of silver, and on the practicability of a resumption of free coinage by the bimetallic states.

Mr. Gibbs, former governor of the Bank of England, declared the influence of the German stock upon the silver market to be very serious. In his view, in which the French delegates substantially concurred, this body of silver hung like an avalanche over the market, and exerted a permanently depressing influence upon the price of that metal. The existence of this large accumulation in a single hand, subject to instantaneous control, would also, in the opinion of the same authorities, render exceedingly dangerous the resumption of silver coinage, inasmuch as the whole mass of it might be precipitated upon the mints of the bimetallic countries, with the probable result of breaking down their system at an early date, and also enabling Germany to dispose of its stock upon advantageous terms—a feature which did not seem to be contemplated with satisfaction by any considerable portion of the conference.

The second cause which was largely influential in producing the conviction that present action for resuming the general use of silver was inexpedient was found in the wide divergence between the market rate of silver and the mint rate generally prevailing in countries having a bimetallic system. With gold ruling at 17.50 to 17.75 in terms of silver, it was held by the majority of the conference to be unsafe to coin silver at 1 to 15.5, or any other ratio near to that. In view of a divergence so wide it was thought impossible to bring the market ratio up to the legal ratio merely by opening the mints to silver.

We have seen that when it became apparent that the ratio of 1 to 15 was insufficient to keep the silver dollar at par with gold, when the change was made from 1 to 15 to 1 to 15.98, the silver dollar soon resumed its place as the equal of gold in the markets of the world. And it is clear from the above quotations that the combined wisdom of the Paris conference had no confidence in any system that might be adopted, except that which should be based upon real intrinsic values.

The certain effects that would follow by the passage of this bill, as the market value of silver bullion is at present, would be to subject the Government to pay for the trade-dollars that it has coined \$4,725,595 more than they are worth as bullion, which is the only value they possess.

The next misfortune that it will inflict must be to add more than \$36,000,000 to the \$24,556,350 of standard silver dollars that had been coined up to the 1st instant under the act passed last winter. Add to these large sums the least amount that must be coined under the provisions of that act during the next year, \$24,000,000, and there will be in the aggregate the sum of \$84,556,350 of silver coin, worth only eighty-four cents on the dollar, most of which will be hoarded in the Treasury Department, and it will remain there as an idle and therefore unprofitable investment until it shall be recoined into dollars that shall contain bullion enough to make them intrinsically as valuable as gold, or until they are sold at their bullion value in the markets of the world.

A further objection to the bill is that it proposes to stop the further coinage of trade-dollars. This should not, in my judgment, be done so long as the vast and increasing production of our mines requires the encouragement of Congress to aid the producers in furnishing a market for their product. I would therefore not stop the coinage of the trade-dollar, but would coin freely all that can be profitably exported, for the miners and producers of silver need, and they are entitled to, the fostering care of the Government.

A few more observations and I have done, and though not strictly in reference to the provisions of this bill, I venture to hope that they may not be regarded as inappropriate.

I would repeal the act passed February, 1878, or so amend it as to require the Secretary of the Treasury to coin just so much silver as and no more than he can profitably utilize in the discharge of his duties as the financial officer of the Government. And I would authorize him in his discretion to recoin the unnecessary accumulations or sell to the best advantage that he can all surplusage. On the market as it now is the relative value of silver to gold is 1 to 19.05, which the law should be in harmony with if the silver dollar is to be successfully coined. The subsidiary coin may remain as it is, for the present at least, provided that the Secretary of the Treasury is required to redeem it, whenever it may be presented for redemption, in coin of full intrinsic value, as I think he should be. It costs 2 per cent. or more for the Government to coin the change money or subsidiary coin, and it should be overvalued sufficiently to prevent its being exported, which would not work any wrong to any portion of the people provided the Government redeemed it whenever it should be presented for redemption.

Chinese Immigration.

SPEECH OF HON. WM. A. PHILLIPS, OF KANSAS,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, March 1, 1879,

On the bill to prevent Chinese immigration and the President's veto of the same.

Mr. PHILLIPS. Mr. Speaker, I avail myself of the privilege of presenting to this House and to the country the reasons why we should sustain the President in his veto of this bill. I shall also state, what I have not before had the privilege of stating, why I voted against this bill, and why I think it should not become a law. And, first, as to the veto. The President traverses the general principles involved in the measure, and indicates its unsuitability as a

piece of American legislation, but rests his veto chiefly on the ground that the bill is a breach of national faith, and is violently subversive of the terms of a treaty entered into with a foreign government at our own solicitation.

It occurs to me, Mr. Speaker, that there could be no better or higher ground for the interposition of a presidential veto than to maintain the good faith of this nation as pledged to other nations. A treaty may be a good one or a bad one. We have made treaties by which we have obtained eminent advantages and treaties by which we have suffered considerable loss. The fact as to whether it is profitable or unprofitable does not enter into the question as to whether it shall be broken or kept. Nations that have held their promises and honor lightly and who have violated their bargains with other nations whenever their whim or their interest led them to do so have passed into history under a load of contempt. We might, indeed, without dishonor, seek through the proper diplomatic channels to terminate the operation of a treaty or to modify or change it. I do not think it is a proper thing for us to argue that Congress has the power to abrogate or destroy a treaty. The Constitution classifies treaties as supreme law, but every good lawyer knows that the Supreme Court has held that a treaty and a law are of the same force and that a law may abrogate and destroy the purpose of a treaty. Thus, in its simplest form, we agreed, by international arbitration, to pay the fishery award, and Congress might have refused to appropriate the money. In its more intricate form, as in this bill, we may have agreed with a foreign nation that certain things should be done, and Congress might pass a law—such a bill as this—which would prevent them from being done. Congress thus possesses the power to destroy a treaty entered into by the constitutional treaty-making power—the President and the Senate.

The Supreme Court holds that it can do this, but only because the law is of late date and mandatory upon the court, but in the same decision asserts that it is not to be assumed that Congress would do such a thing, or if the direst public emergency, such as threatened war, made it necessary, that Congress would provide ample remedy for all aggrieved parties. When we pass such a bill, however, and send it to the President, a still graver responsibility rests upon him. Nor can he shelter himself under the plea that the treaty was entered into with one of his predecessors. It was negotiated by the President. When he sends this bill back to us, with the reasons he gives, he occupies a position that is impregnable because he has no alternative. It admits of no question of partisanship. He entered into this agreement in our name. He is its custodian; his the duty faithfully to see it executed. I do not think there is a man within the sound of my voice, or a man in the whole country, who, if he looks at it dispassionately for a moment, would say that he could have signed such a bill with honor. When, therefore, the representative of American sovereignty comes before us with such a veto, he comes clothed with a garment of good faith and national honor which we had temporarily forgotten, supposing it to be a purely political question, and all must admit that he has by this act conferred additional luster on the American Executive.

Let us further inquire in what manner the treaty in question was negotiated. But a few years ago you will remember that China was locked up against the enterprise of the European. All Christendom had a grievance against that nation. Our people could not go in unto them, and theirs could not come to us. We were obliged to carry on what trade we had with them through the Dutch and Portuguese. Among innumerable small grievances the western nations had two great grievances—we could not introduce opium or Christianity. It was argued, and justly, that a nation had no right to such exclusiveness; that the rights of men rose above the necessities of states. To compel them to have trade and intercourse we joined Britain in a war with China—the most questionable of all our wars—and pounded them into a just conception of our civilization, and until they were forced to admit our people, our commerce, our opium, and our Christianity.

The Burlingame treaty grew out of this intercourse, but it was a very different thing and conceived in a very different spirit. In founding our Government we had recognized as a fundamental maxim "that God created all men equal;" that men possessed certain "inalienable rights," among which were "life, liberty, and the pursuit of happiness." That governments "derived their just powers from the consent of the governed." In the Burlingame treaty we recognized a new right, something naturally growing out of these, but for the first time publicly asserted. I quote from a portion of that treaty, which you will find in the veto message:

ARTICLE V.

The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance and also the mutual advantage of free migration and emigration of their citizens and subjects respectively from one country to the other for the purpose of curiosity, of trade, or as permanent residents.

It is this doctrine, and the treaty that asserts it, that the pending bill proposes to destroy. Free emigration has been as old as our traditions, the underlying mainspring of our politics, the foundation of our forms of society. The European settlements of these United States are only two hundred and fifty years old. As colonies and States this country has been the refuge for the oppressed of all nations. At times, indeed, there have been waves of popular prejudice that tried to check the

broad current on which the Republic was founded, but this opposition was limited to occasional circumstances and times and passed away. Our Government was founded on an acknowledgment of the rights of all men, not of the citizens of any locality. It did not assert itself for any race, or creed, or clime. It was broad as all humanity. There have been those who would narrow the privileges of this Republic to those born within its limits. There have been those who held that Catholics should be stripped of political power. There have been those who would narrow the love and the loyalty a man gives to this glorious Republic to the boundaries of a little State. These were the narrow waves of prejudice that from time to time have tried to check the resistless current and genius of the great American Republic, and yet before its broad Christian progress these contracted ideas have crumbled to decay.

There is another objection to this bill, in which it is peculiarly un-American. It seeks to accomplish its purpose by indirection. It does not say that all Chinese immigration shall be prohibited, but that no vessel can bring more than fifteen persons. That would be bad enough for general legislation, but when we stop to consider that it is designed to take away one important concession in the Burlingame treaty, and thus by a sharp trick to accomplish an end, it makes the proposition still more objectionable. The Chinese are said to be adepts at this kind of diplomatic cunning. Suppose they should retaliate by decreeing that one ship could only bring five barrels of beef, or ten sacks of flour, or fifteen sacks of potatoes, or better still that no ship should bring more than fifteen grains of opium, and that no Christian missionary who entered the country should be permitted to introduce with him more than two of the dogmas or five of the ten commandments.

There is something very undignified and puerile about all this; something in gross violation of every principle of business or fair dealing. We cannot even make the pretense that it is the purpose of this bill to keep out immoral or criminal persons or paupers. We have exercised the power with the immigrants of all nations and at all times to prevent paupers and criminals from landing on our shores. The very treaty I have quoted goes even farther than this. I quote:

The high contracting parties, therefore, join in reprobating any other than entirely voluntary emigration for these purposes, and they consequently agree to pass laws making it a penal offense for a citizen of the United States or Chinese subjects to take Chinese subjects either to the United States or to any other foreign country, or for Chinese subjects or citizens of the United States to take citizens of the United States to China or to any other foreign country without their free and voluntary consent respectively.

We have the right to prevent the introduction of diseased persons, criminals, paupers, vile persons, and coolies or slave apprentices. That is a right we should scrupulously exercise. In recognizing the right of human emigration as one of the highest of rights, we give it the qualification that its privileges are forfeited by those who would introduce physical or moral diseases on the body-politic.

There is after all nothing really alarming in the Asiatic emigration to the western shores of our country. The number there is not great and those there seem to be useful. It is charged that they work too cheap and thus reduce labor; but setting aside temporary disturbing causes it may be taken for granted that their labor will bring what it is worth in a fair market and that in the long run they will take all they can get. But a few years ago the law of California authorized a *per capita* tax on Chinamen, called the pig-tail tax, and the sheriff of Sacramento might have been seen with cords tied to the pig-tails of Celestials who were unable or unwilling to pay the tax, dragging them about while they shrieked and bellowed about the "bad Mexican man."

I shall not assume that all this cry against the "heathen Chinese" comes from the hoodlums of San Francisco. No doubt many worthy and honorable people sympathize with it. It is a frame of mind which, like other contagious diseases, must run its course. We certainly ought not to have one law for California and another for the rest of the States. The Constitution makes it obligatory on Congress to provide uniform naturalization laws. Have we reached that period in our history when we are prepared to say that immigration is no longer desirable? Is the doctrine of the Burlingame treaty broad, enduring, Christian statesmanship, or is it a mere temporary expedient? Are we to-day prepared to narrow the rights of man to the rights of American citizens, and to bury human freedom beneath the debris of local prejudice?

These be broad propositions, and this bill brings them before us. I had thought it to be settled that governments were made for men and not men for governments. In the great central and eastern States emigrants by thousands leave each year and migrate in search of other homes. They claim the right to go into other States and Territories, even to other countries. Shall we continue to be the champions of the doctrine that men have by "inalienable right, life, liberty, and the pursuit of happiness?"

Human migration began with the birth of the race, and migration is the secret of all history and the foundation of all great nations. The mighty population that is growing up on this continent must soon begin to spread. It will carry its enterprise, its learning, its genius to the uttermost parts of the earth. Men will go to better their circumstances, and in going will better the circumstances of every island and continent and plain and forest where they plant

their feet. Shall we to-day set bolts and bars in the way of free emigration? Can we afford to set such an example to the civilized world? Does it not rather lie with us to expand to its broadest limits and to sow in every nation the doctrine of the Burlingame treaty? I confess to you, sir, that when such a measure as this bill is proposed I consider it unworthy of our past history and inconsistent with the broad Christian statesmanship and genius of the American people.

Extension of the Mathies Patent.

SPEECH OF HON. D. WYATT AIKEN, OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 3, 1879.

On the petition of the McKay Sewing-Machine Association, asking an extension of the Mathies patent.

Mr. AIKEN. Mr. Speaker, there is perhaps no one implement that portrays more beautifully the progress of inventions in this country and the inventive genius of the American mind than the McKay sewing-machine. It is an implement complex and yet simple; there is little that is automatic in it, and yet it has only to be guided in its movements, when it accomplishes work that can neither be equaled nor surpassed by the most skillful mechanic. This machine comprises perhaps fifty patents, the results of as many combined intellects, the controlling one of which will expire during the current year. The purpose of the petition now under consideration is to secure a new lease of life to this controlling patent, and thereby continue to its owners the privilege of levying or imposing a specified royalty upon every pair of shoes the soles of which have been sewed to the uppers by any one of the twelve hundred machines now in operation throughout the United States.

Anterior to the war there were very few large shoe manufactories. All shoes were made by hand, the material of which they were made being cut out and distributed among mechanics who did most of their work at their homes. The demand, however, was greater than the supply, and the thoughtful American mechanic soon proved himself equal to the occasion. Invention, protected by the wise provisions of our organic law, was not long in substituting machinery for muscle, and foremost among the minds that contributed to this end was one L. R. Blade, who in 1860 secured letters-patent upon a machine for bottoming boots and shoes. Without being perfected, this machine was sold to Mr. Gordon McKay, of Cambridge, Massachusetts, a shoe manufacturer, in whose employment lived a Mr. R. H. Mathies. This employé, being a man of peculiarly inventive powers, was assigned the duty of working, and, if practicable, perfecting this machine. He gave it constant study for many months, and so closely did he apply himself that an idiosyncrasy was produced that resulted in his committing suicide.

During his employment by Mr. McKay, Mr. Mathies received wages that averaged \$3 per day, and in August, 1862, was awarded letters-patent for an improvement upon the McKay machine, (the Blade patent.) As soon as this was done McKay proposed to Mathies to join him in the manufacture of shoes. The proffer was rejected, Mathies preferring to sell his patent, which he did, in the spring of 1863, to McKay, for \$9,000 cash. In October, 1863, the same year he sold his patent, and before it had been satisfactorily tested by the purchasers, Mathies, in a fit of aberration, committed suicide.

Mr. McKay continued to improve this machine, and finally organized a company, known as the McKay Sewing Machine Association, who built these machines and sold them at about the cost of manufacture to shoe manufacturers, exacting a small royalty of from one to three cents upon every pair of shoes made upon them.

Anterior to 1860 the life of a patent was by law limited to fourteen years, with the privilege, however, of an extension for seven years under certain conditions. The patent of Mr. Blade, which is one of the controlling patents in the McKay machine, was issued in 1860 for fourteen years, and extended in 1874 for seven, and will therefore expire in 1881.

Since 1860 the life of a patent is legitimately seventeen years, without the implied condition of extension. The Mathies patent, which is another controlling patent in the McKay machine, was issued in 1862 for seventeen years, and will expire next August. Though all these patents are owned by the McKay Sewing Machine Association, the application for the extension of the Mathies patent is brought in the name of Mrs. Manville, of Milwaukee, Wisconsin, who was the widow of the inventor, Mathies, and the reason assigned why the extension should be granted is that \$9,000, the amount paid by McKay to Mathies for the invention, was inadequate compensation for the incalculable advantages resulting to the public from the use of this patent. It will be observed that the patent was granted in August, 1862; the \$9,000 were paid in the spring of 1863, before the utility of the patent was thoroughly appreciated, and in the fall of that same year the patentee committed suicide.

The McKay sewing-machine as at present built is about six feet

high, and weighs over four hundred pounds. Before the inventions of Mathies were attached to the Blade machine it was about one-fourth that size. The inventions of Mathies were an automatic stick and a "revolving horn," upon which the shoe is held while being sewed, the sewing being simply that of attaching the soles to the uppers of the shoe.

Mr. McKay organized an association, which in attempting to perfect and utilize the Mathies inventions incurred a debt of over \$100,000 before they succeeded. And, indeed, they were utterly ignorant of the advantages of these two inventions until a drunken employé somewhat recklessly held a shoe upon the horn and made the successful effort of sewing entirely around the sole without removing the shoe from the horn. Before this the shoe was sewed from the heel to the toe, taken from the horn, turned, and sewed on the other side in the same way. This bold operative began at the heel, sewed to the toe, held the shoe steady, turned the horn, and sewed back again to the heel. From that moment the Mathies invention became invaluable. Previous to that time forty pairs of shoes a day was an average task upon one of these machines. Soon one hundred pairs were sewed, and to-day six hundred pairs is a moderate task; and one man has been known to sew the soles to the uppers of nine hundred pairs of shoes in ten hours.

It is nowhere recorded that Mathies had the most distant conception of the value of his patent. Indeed, it was not until one-third the life of the invention had been expended that the capacity of this machine was discovered to be measured by the endurance of the operative, and not by the ingenuity of the invention. Experience, aided by the watchfulness of the best mechanical talent that could be procured, proved the value of this wonderful machine; and Mr. McKay and his associates, with commendable perseverance, continued to employ the best machinists to alter, adjust, and simplify it, until its capacity far exceeded the most sanguine expectations of its fabricators. With this machine a single operative can give employment to one hundred men and women in preparing the uppers and soles; and therefore it can only be profitably used by factories. No one man would be warranted in investing in this machine, though it is by no means high-priced, (costing only about \$450,) for it would of necessity be idle a greater portion of the time.

Mr. McKay and his associates lost no time in discovering the fact that there was not a fortune in the sale of these machines, and therefore adopted the policy of demanding a royalty upon each and every pair of shoes sewed by any one of the machines they manufactured; and this royalty was made so small that it could not have an appreciable effect upon the price of shoes except to the wholesale dealer.

We are assured that 95 per cent. of the manufacturers who use these machines and pay the royalties exacted by the McKay association are in favor of having this application for an extension granted, thus presenting the paradoxical position of the tax-payer asking to be taxed. We are told that the association owning the machine incurs all the expense of keeping the machine in order; that they send salaried "visitors" at their own expense periodically to examine and repair all the machines, even those operated in the remotest States; that the intricacy of the machine is such that only the best mechanical talent can by constant inspection familiarize themselves with the machines sufficiently to properly adjust and repair them; that the machine can be operated by an unskilled mechanic without his discovering the fact that it is out of order, and that in this condition it will as surely do bad work as that it will do perfect work when in perfect order; that the inferior work cannot be discovered until the wearer of the shoe discovers it to his own chagrin and to the injury of the reputation of the machine.

When told all this, Mr. Speaker, we agree with the manufacturers that they should at least appear liberal in their advocacy of this self-imposed taxation. But, sir, when we remember that in these shoe manufactories the system is so perfect that every branch of the trade is really reduced to a science; that, for instance, the soles themselves are weighed and valued according to weight; that the uppers and lining and binding and eyelets, and even the thread, are all estimated as constituting such a proportion of the aggregated cost of each pair of shoes; that the labor is paid for by the piece, and that the very waste of the manufactory is made to become a source of revenue to the manufacturer, we may very well conclude that he can tell to a cent the cost of a pair of shoes or boots, when completed, and that to this aggregate there never fails to be added the amount of the royalty he assumes to advocate, but which we see very clearly he must and does necessarily exact from the wholesale dealer.

Mr. Speaker, allow me to illustrate this idea. In Albany, New York, there is a shoe manufactory that throws upon the public markets annually nine hundred thousand pairs of women's and misses shoes at an average cost of a few cents over a dollar per pair. An average royalty of one and three quarters of a cent per pair is paid on these shoes for the use of the nine McKay machines upon which they are manufactured, aggregating the handsome sum of \$15,750. Now, sir, can any man here or elsewhere for one moment believe that this firm would pay annually that sum as a protection against the possibility of some manufacturers giving a bad name to machine-sewed shoes? No, sir. These manufacturers know full well that every cent of this royalty is paid back to them by the parties to whom they sell, and hence their advocacy of its continuance.

To my mind, Mr. Speaker, it is apparent that if every patent included in the machine had expired, it or something better would still

be used; these same "visitors" or some other substitute would still be employed, and that, too, at a less expense than the aggregated royalty paid by the manufacturers; and the McKay association, which has managed its investments so wisely, would continue to have an opportunity to manufacture shoes as well as to build machines, while the public would be saved the half million of dollars now annually paid as royalty to this McKay Sewing Machine Association.

The original Blade patent, Mr. Speaker, which is the controlling one in this machine, has a lease of two more years of life. If the Mathies patent is denied extension the Blade patent will protect this association for that length of time. In this material age, when progress is the watchword of the mechanical world, who can say that within the next two years a better than Mathies will not be found to anticipate the expiration of the Blade patent and build us a machine still more perfect than the McKay?

True, this machine has revolutionized the manufacture of shoes. It has virtually closed up the old-fashioned shoe-shops; thrown away the awl, the bristle, and the short-legged bench; it has multiplied the laborers, increased each one's power to produce, and given him better wages; it has greatly reduced the wholesale price of shoes, and probably given us better shoes by retail for the money, but beyond this it has in no wise benefited the man or woman who buys a pair of shoes to wear. A pair of men's hand-made shoes of 1859 that cost \$3.50 was just about such a pair of shoes as these machines turn out to-day and are sold by retail for \$3.50. A pair of woman's shoes of excellent quality, in 1859, could be bought at retail for \$2. The ordinary price to-day is perhaps a little more for the same quality of shoes. The present style, I admit, is heavier, may be better made, and contains far more stock than the shoe of 1859. But, Mr. Speaker, this is simply fashion, which we all know is fickle and changeable and as destructive of capital perhaps as any other one thing.

Mr. Speaker, no one questions the infinite benefit this machine has been to the public, nor would I by any means characterize it as an oppressive monopoly if it were not that through it there is established a monopoly not anticipated nor warranted by our patent system. No one can doubt this.

The McKay association, Mr. Speaker, I am told has less than \$140,000 invested in the manufacture of these machines, and yet they propose to pay to the former Mrs. Mathies, now Mrs. Manville, \$50,000 for a lease of four years and a half of life for her controlling patent, for you will remember that the association controls the Blade patent, which has two and a half years yet to live, and this application is for an extension of seven years. This association must have absolute control over some necessary production from which they know certainly they will realize an exorbitant annual income, or they would not, because they could not, be so liberal to this patentee.

They not only propose to pay Mrs. Manville \$50,000, but they will incur all incidental expenses if this extension is secured. Wherefore such liberality, Mr. Speaker? Can it arise from the fact that the patentee is to receive this amount as a charity? No, Mr. Speaker, it can only exist because this association are absolutely certain that they will realize an immense annual income at some other expense than that of the association.

But, Mr. Speaker, as a further inducement to secure the extension of this patent the McKay association have intimated that the average royalty of one and three-quarters of a cent per pair will be reduced to perhaps one cent per pair. Does that not assert this association to be a vast monopoly? And if so, is it to secure protection to such corporations that the Constitution confers upon Congress the power to protect inventors for a limited time in the exclusive right to their inventions? By no means.

Mr. Speaker, to my mind it is problematical whether congressional protection could be given justly to the unfortunate inventor who, either from choice or necessity, disposes of his property before its utility or success has been tested and secured. And surely, sir, it can nowhere be shown even by implication that this protection is justly due to a corporation or association who have been and are receiving and for some time yet will receive a most exorbitant income from their investment in the inventions or discoveries of others.

In conclusion, Mr. Speaker, I assert that if this House can favor the extension here asked for there cannot arise a case in which the applicant should not be encouraged to believe that there was always hope to secure an extension of a patent.

Claim of William M. Springer.

SPEECH OF HON. JOHN HANNA, OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 3, 1879,

On the bill (H. R. No. 338) for the relief of William M. Springer.

Mr. HANNA. Mr. Speaker, it seems to me that before this bill receives our sanction we should be well satisfied that the claimant has a just demand for some amount against the Government founded upon a contract, express or implied. In the month of November last I re-

requested the Attorney-General to furnish me copies of all correspondence between that office and the claimant bearing upon the question of employment or service in the so-called Centennial case in the Supreme Court. On the 20th of November, 1878, that official wrote me the following letter:

DEPARTMENT OF JUSTICE,
Washington, November 20, 1878.

SIR: Copies of correspondence noted below are herewith inclosed in compliance with your request of the 12th instant. These cover all communications received from or addressed to Hon. William M. Springer that I recall or find of record in the Department in relation to his appearance in the so-called Centennial cases in the Supreme Court.

Very respectfully,

CHAS. DEVENS, Attorney-General.

HON. JOHN HANNA,
Member of Congress, Indianapolis, Indiana.

[Inclosures.]

Letters from Hon. W. M. Springer to the Attorney-General, dated, respectively, January 22, 1877, February 24, 1877, and March 19, 1877.
From the Assistant Attorney-General to William Springer, February 28, 1877.
From the Attorney-General to William Springer, March 17, 1877.

The correspondence in its regular order as to dates appears to be as follows: On the 22d of January, 1877, the claimant addressed a letter to the Attorney-General. On the 24th of February, 1877, he again addressed him. On the 28th of February, 1877, the Assistant Attorney-General replied to the letter of the 24th. On the 17th of March the Attorney-General addressed a letter to the claimant. On the 19th of March, 1877, the claimant replied to the letter of the Attorney-General. These several letters, numbered, respectively, 2, 3, 4, 5, 6, I submit to the House as a part of my remarks:

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 22, 1877.

SIR: I see from the papers that the United States court at Philadelphia has decided adverse to the claim of the Government to the \$1,500,000 appropriated to the centennial board of finance in February, 1876. I have read the decision of the court in that case, and am quite sure the court has entirely misapprehended the true intent and meaning of the act of Congress. Having moved the amendment which in some way has, perhaps, influenced the decision, I respectfully ask that the case be taken to the Supreme Court.

Very respectfully, your obedient servant,

HON. A. TAFT, Attorney-General, Washington, D. C.

WM. M. SPRINGER.

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 24, 1877.

SIR: Would it be possible to postpone the hearing of the Centennial case in the Supreme Court from the 12th until the 19th of March—one week? That would give me more time after the adjournment to prepare brief and argument in connection with Mr. Smith.

Very truly, your obedient servant,

HON. ALFONSO TAFT, Attorney-General.

WM. M. SPRINGER.

DEPARTMENT OF JUSTICE,
Washington, February 28, 1877.

SIR: Yours of the 24th instant to the Attorney-General has been referred to me, and it was my intention to have conferred with you in person about the postponement of the hearing in the Centennial case, but the difficulty of access to the floor of the House and the pressure of your engagements have prevented me from seeing you. Immediately upon the receipt of yours I wrote to the counsel for the board of finance *et al.* to ascertain if they would consent to substitute the 19th for the 12th proximo, and expected a reply by this morning at latest, but none has yet reached me, though I told them I would like to have the change made when the court comes in to-morrow. Probably they will not object.

My brief was sent to the printer a day or two since. I will furnish you with a copy when received if you desire it, and shall be at your service in the matter at such time as may suit your convenience if I can aid you in further looking up the case.

Very respectfully yours,

EDWIN B. SMITH,
Assistant Attorney-General.

HON. WILLIAM M. SPRINGER,
House of Representatives.

DEPARTMENT OF JUSTICE,
Washington, March 17, 1877.

SIR: Learning that you proposed to my predecessor to appear with the Assistant Attorney-General in the case of *Eyster et al. vs. The Centennial Board of Finance*, (No. 988 of this term of the United States Supreme Court), to which he assented, I feel bound to say that while the Government will be pleased to have your valuable assistance in presenting the cause, the appropriation for the employment of special counsel outside the regular force of the Department is so extremely limited as to require the utmost care to make it at all answer the absolute necessities of the public service, and therefore we shall be unable to offer you that remuneration for your services which they deserve, and would receive from other parties and under different circumstances. Judge Taft supposed that you would make no claim to compensation, but as there has been a change of the head of this Department, it is thought best that this matter be explicitly stated and understood before the cause is argued.

Very respectfully, yours,

CHAS. DEVENS,
Attorney-General.

HON. WM. M. SPRINGER,
House of Representatives.

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 19, 1877.

SIR: Your letter of yesterday in reference to remuneration for my professional services in the centennial case (No. 988 of the present term of the Supreme Court) is received.

I was under the impression that there was no appropriation for the employment of special counsel in cases in the Supreme Court, and had not intended to apply to your Department for remuneration.

Very respectfully, your obedient servant,

HON. CHAS. DEVENS, Attorney-General.

WM. M. SPRINGER.

If this be all the correspondence, then I submit that we are competent to determine the question of liability on the part of the Government. Manifestly there is none whatever. Letter No. 5 conclusively settles that question. It very clearly appears from this letter that when the Attorney-General had his attention called to the fact that the claimant proposed to appear with the Assistant Attorney-General in the pending case in the Supreme Court, he promptly informed the claimant that the "extremely limited" amount of "the appropriation for the employment of special counsel" forbids the idea of compensation. Not only so, but the claimant is informed in express terms that the former Attorney-General, "Judge Taft, supposed that you would make no claim to compensation," and the letter concludes with the significant statement that "it is thought best that this matter be explicitly stated and understood before the cause is argued." What more would you have the Government do to shield herself from liability in the premises? Whoever persists in rendering service in the face of a notice of this character may not of right demand that the Government shall consent to be a party defendant in an action in the Court of Claims.

Why did Judge Taft suppose that the claimant would make no claim to compensation? Letter No. 2 furnishes the answer. The claimant, after stating therein that he had read the adverse decision of the court at Philadelphia, and that he was "quite sure the court entirely misapprehended the true intent and meaning of the act of Congress," volunteers the further statement:

Having moved the amendment which in some way has perhaps influenced the decision, I respectfully ask that the case be taken to the Supreme Court.

No intimation that he desired or expected to be employed as counsel or that he was laying the basis for a money demand against the Government. The disastrous effect of the "amendment" which he had moved to the bill was then the subject of interest to the claimant. Had he or not committed a legislative blunder, or had the court erred in the premises? Evidently believing that he had not blundered, and to relieve himself from criticism, he asks that the case be appealed. By reference to the RECORD of January 25, 1876, the following appears:

MR. SPRINGER. I now move to amend the bill by striking out the words "share equally with the holders of the said Centennial stock, and a like percentage thereon be paid into the Treasury of the United States as may be paid to the holders of the said stock," and inserting in lieu thereof the words "to be paid in full into the Treasury of the United States before any dividend or percentage of the profits shall be paid to the holders of said stock." The proviso, as amended, will then read: *Provided*, That in the distribution of any moneys that may remain in the treasury of the centennial board of finance for the payment of its debts, as provided for by the tenth section of the act of Congress approved June 1, 1872, incorporating said centennial board of finance, the appropriation hereinbefore made shall be paid in full into the Treasury of the United States before any dividend or percentage of the profits shall be paid to the holders of said stock.

This amendment was agreed to in Committee of the Whole—ayes 116, noes 99; and the bill, as amended, passed the House—yeas 146, nays 130, the claimant voting "no." At the October term, 1876, of the Supreme Court the case of *Eyster vs. Centennial Board of Finance* was decided. (See 4 Otto, 500.) Chief-Justice Waite, who delivered the opinion of the court, stated the question to be decided as follows:

This case presents the single question, whether in the distribution of the moneys remaining in the treasury of the Centennial Board of Finance at the close of the affairs of that corporation as provided for in section 10, of the act of June 1, 1872, the appropriation of \$1,500,000 made by Congress in the act of February 16, 1876, must be paid into the Treasury of the United States before any division of assets is made among the stockholders in satisfaction and discharge of the capital stock.

This question the court decided in the affirmative, and as a consequence reversed the decree of the circuit court of the eastern district of Pennsylvania. The opinion of the court is a sufficient criticism upon the phraseology of the amendment which occasioned the litigation. I deem it unnecessary to discuss the question of fact as to whether the claimant did or did not perform any service whatever. If he did, it was under such circumstances as preclude a legal demand for compensation.

Brazilian Mail Service.

SPEECH OF HON. JOHN E. KENNA,

OF WEST VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 28, 1879,

On the amendment of the Senate to the bill (H. R. No. 6143) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes.

MR. KENNA. Mr. Speaker, I have no desire to detain the House with any remarks on the Senate amendment to the pending bill. I am opposed to it on principle. I am opposed to the system of subsidizing private corporations at the expense of the masses, and I shall resist, as long as I hold a place on this floor, every measure looking to the achievement of that result regardless of whom or what it may help, and whom or what it may hurt. In addition to the constitutional difficulty in the way of all such schemes there is an odor of corruption which associates itself inevitably with the idea of opening the National Treasury, setting a board filled free with the hard-

earned millions of the people's money and inviting every hungry emigrant who is willing to be fed to the feast. This Government has had some experience in the subsidizing of mail and other lines.

The Collins line, the Garrison line, the Pacific Mail line have all had their grab; they have all demonstrated the absolute failure of so inequitable a system to accomplish satisfactory results and contributed in ample proportions to the general fund of scandal and disgrace with which the corporate and class legislation of this Government has been so replete. We have here the remarkable spectacle of a law which has existed, in spite of its open destruction of American commercial interests, until we have fallen from the second to the ninth in the list of maritime nations; we have the law that has stood for years prohibiting from importation, as far as I know, only three articles of foreign manufacture—obscene books, counterfeit coin, and ships. We have the law which practically says nobody but John Roach shall build a ship, and now we are confronted by this astounding proposition to appropriate \$300,000 as a subsidy to this Brazilian line, which is denied to others, thus proclaiming to the world that while nobody but John Roach shall build a ship nobody but John Roach shall run it when built. Sir, I am opposed to the granting of subsidies under any pretext, to class legislation for any cause, and I will never consent to the expenditure of a common treasure gathered and earned by a common toil for any such purpose on the land or on the sea.

I had occasion a short time ago to write my views on this subject in connection with another scheme. I refer to the Texas Pacific Railroad bill. The letter containing those views I here present to be included in my remarks in the RECORD:

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 27, 1879.

MY DEAR SIR: Your letter of the 25th has just reached me. You state that you voted "no" on the Texas Pacific resolutions recently passed by our Legislature; that you had no information to warrant any other course, and that you did so in the line of safety to the people of the country. You further ask that, with the information at my command here, I shall give you my views of the propriety of your course. I very cheerfully do this, desiring, however, that no suggestion from me shall be construed as a reflection upon the action of those who may differ from me on the subject or as evidence of any want of respect for their opinions.

First. The bill presented proposes that the United States shall endorse and guarantee payment of interest at 5 per cent. per annum for fifty years on the bonds of this corporation, to the amount of \$38,750,000, the aggregate liability of interest thereby assumed being \$98,000,000. In other words, the bill proposes that the United States shall become an accommodation indorser to the amount of the definite and fixed sum of \$98,000,000 for this private corporation. I am aware of no warrant in the Constitution for this exercise of extraordinary power.

Second. If it be true, as claimed by disinterested parties, that the grant of land to that corporation by the act of 1871 be forfeited, then this bill revives that grant to the extent not only of the right of way, but also of every alternate section heretofore granted. This involves a direct subsidy to that extent, and is in conflict with every democratic platform which I have ever seen; it is further in conflict with that declared policy of the democratic party of the country which has demanded the reservation of the public domain for actual settlers and denounced its use in subsidizing corporations at the expense of the masses.

Third. It fixes no terminus on the Mississippi River further than that it shall not be north of Memphis, and provides for the selection of a point by a commission of five. There is no provision in the bill to control the connections east of the Mississippi River, and thus, while it pretends to avoid monopoly west of that stream, Mr. Scott's connection with the enterprise gives assurance that it will be made to operate as a feeder to his existing combination east of that stream.

Fourth. It pretends to give the United States the power to regulate its tariffs, while in fact this reserved right is made to affect only its through freight, and all control over any other than that character of freight is absolutely surrendered by this bill. It is in this respect in conflict with the provisions of what is known as the Reagan bill, to regulate interstate commerce, which is demanded by every commercial, agricultural, and producing interest of the country, and which your body has instructed and requested our delegation to support, with, I believe, substantial unanimity.

Fifth. It is claimed by its promoters to be a southern enterprise, when in fact it is not so recognized by many Representatives from the South, and it is notorious here that with a point fixed for its terminus on the Mississippi River, it could not command the united vote even of the Representatives from the Mississippi Valley south of Memphis.

Sixth. It is artfully urged that it will give employment to idle laborers and relieve existing distress. This plea of its advocates would be amusing if it did not trifle with the solemn fact that thousands of honest, industrious men are without work, and if it did not offer the strange anomaly of giving employment to a few hundred workmen, who, for all we know, and for all this bill provides, may be imported from China and employed at the expense of the millions of toiling men and women throughout our land, who must bear the burden and pay the taxes necessary to meet this enormous outlay of \$98,000,000 from their Treasury.

Seventh. It has been suggested by the friends of this measure that the local interests of West Virginia will be promoted by its passage. Looking at it from a local stand-point, I may be pardoned if I fail to see the good which my State can derive from a benefit, if there be any in it, which our citizens must leave their families and homes and go to Texas to enjoy. If local considerations are to control the subject, we had better at once amend the title so as to make it read: An act to encourage emigration from West Virginia to Texas.

Eighth. The bill is a revival of that system of railroad legislation which a few years ago robbed and plundered the people of this country and brought disgrace at home and abroad upon the American name. The lobby in its support, which throngs the corridors here, and, failing at the national capital, reaches throughout the land, besieging State Legislatures, State granges, and other avenues of public opinion, awakens recollections of those days when the same process was giving birth to the Credit Mobilier, and when the interests of forty millions of freemen were made to tremble before the combined power of money and monopoly which thundered at the vanities of their Treasury.

And last but not least, to support this measure on my part would be to violate the solemn pledges which I have made a hundred times over to the people of my district. I have not denounced subsidies to come here and support them. I have not raised my voice in opposition to class legislation against the interests and the rights of the masses to come here and lend my voice to the consummation of that very work. I have not joined in the indignation of my people at the stupendous power and corruption of the American lobby to come here and surrender myself helplessly into its hands. If relief of distress be the purpose, let the friends of this measure join me in liberal and judicious expenditure for the improvement of

the rivers and harbors of the country. They are the great natural arteries of American commerce. They are in the grasp of no corporation. They are open and free as the air for the use of all. They belong to the people. They are not the creatures or creators of subsidy; and best of all, while their improvement gives employment to thousands of workmen all over the country in every quarter, they promote commerce equally, they offer carrying facilities equally, they invite enterprise equally, and they are natural enemies of monopoly, made so by the act of God, which human fraud or human folly may never revoke. But the Texas Pacific scheme is a different affair, different in principle, different in effect, different in every aspect in which it can be viewed.

I believe that you did right, and I cannot but believe that, with full information on the subject, every other member of the Legislature would have done likewise. For my own part, I shall carry out faithfully every pledge I have made to my people. I shall protect and defend their rights and interests in every manner and with every faculty, however humble, with which it has pleased God to endow me. With that view, and in discharge of that obligation, I cannot and will not support this bill or any other measure involving its principles, its policy, or its practice. I hope you are getting on well, and with kind regards I remain, truly your friend,

HON. A. E. SUMMERS, *Wheeling.*

JOHN E. KENNA.

I would add but one word, Mr. Speaker, on the subject of rivers and harbors. Bills for their improvement have been passed from 1790 to 1878. They proceed upon no theory of subsidy, but on the double theory of the right of the Government to improve its natural commercial highways, under the power to regulate commerce, and the right of the Government to facilitate the free use by its own people of its own property—the commercial use of American navigable waters.

The Bancroft Treaty.

SPEECH OF HON. L. BRENTANO,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 24, 1879.

On the joint resolution (H. R. No. 202) as to giving notice to the North German Confederation to terminate the treaty of February 22, 1868.

MR. BRENTANO. Mr. Speaker, the joint resolutions Nos. 202 and 204, introduced in this House by the gentleman from New York [Mr. COX] and the gentleman from Illinois, [Mr. SPRINGER,] have for their object the termination of the treaty concluded February 22, 1868, between the United States and the government of the then existing North German Confederation, by requiring the President of the United States to give notice to the other contracting party that it is the intention of the United States to have said treaty terminated at the expiration of twelve months from and after such notice.

The reasons given in the preambles of the said resolutions for the desirability of terminating the treaty are in substance that naturalized citizens of the United States, by the arbitrary conduct of the German government, have been deprived of the right of sojourning in their native land, under a harsh construction of said treaty, and that such construction has worked great injustice to naturalized citizens who after a two years' residence in Prussia have thereafter been treated as citizens of Prussia.

Mr. Speaker, the readiness with which the public press in Germany accepted these propositions of terminating said treaty when news thereof reached that country ought to make us very cautious before we give our consent to the adoption of the proposed joint resolutions; and indeed it appears to me that nothing could be done by Congress which would lead to a result more contrary to the intent of the gentlemen who introduced these resolutions and more injurious to naturalized citizens of German nativity who desired to pay to their old home a temporary visit of a shorter or a longer duration, with the intent to return finally to this country of their adoption, than to give the proposed notice to the German government. It is proper here to say most emphatically that those naturalized citizens who go back to Germany with the tacit intent never to return to the United States have no claim to our protection, and that it does not in the least concern us how they are treated by the government of their native land. But if the resolutions lead, not to a notice to terminate the treaty but to a revision of it, by friendly international negotiation, which I shall further explain in the course of my remarks, we may well acknowledge that we are indebted to the movers of the resolutions for having brought the matter to the attention of Congress.

The naturalization treaty concluded on the birthday of George Washington, February 22, 1868, with the North German Confederation, and afterward followed by similar treaties with Bavaria, Württemberg, Hesse Darmstadt, and Baden, was a great triumph of American diplomacy, and will for all time to come shed luster on the name of that great and celebrated statesman and scholar, George Bancroft, who induced the German governments to renounce the principle of indissoluble allegiance and to recognize the principle of the right of voluntary expatriation so repugnant to despotic governments, whose very foundation is their military power.

These treaties provide that German citizens who have emigrated to the United States, and after a five years' residence therein have become naturalized citizens of this Republic, shall, on their return to

their native countries, be held to be American citizens and treated as such. Although not clearly stated, it must be presumed that this provision relates only to such former Germans as have, without the consent of the government of their original country, dissolved the social contract existing between the government and its subjects, and who have acquired another citizenship without having previously fulfilled the duties imposed upon them by the laws of their country, as it is self-evident that in cases of a dissolution of the relations between sovereigns and subjects by mutual consent such a treaty provision would not have been necessary.

Now, sir, in order to correctly understand the benefits conferred by the naturalization treaty upon former Germans naturalized in this country, I will say that any German citizen who, without the consent of his government and without having fulfilled his military duties, emigrates to another country is guilty of a misdemeanor and liable to fine and imprisonment, to which penalties he could be subjected upon his return to Germany, and that his American citizenship could not give him any protection against such penalties, even if he did not return and could not personally be reached, as any inheritance could be attached and the fine collected therefrom.

The Bancroft treaties do away with such difficulties, as according to the second article of the treaty the naturalized German-American citizen who returns to Germany remains liable only to trial and punishment for actions punishable by the laws of his original country and committed before emigration. When the treaty was being discussed in the Reichstag of the North German Confederation it was admitted that a breach of the law that might be committed by emigrating without having received permission for doing so, and the consequent withdrawal from military service, could not be included among the actions punishable by law. Mr. von Bismarck designated the apprehension of a member that a person who had lived five years in the United States and been naturalized there might on his return be held to military duty as absolutely unfounded, and continued:

The literal observation of the treaty includes in itself that those whom we are bound to acknowledge as American citizens cannot be held to do military duty in North Germany. That is the main purpose of the treaty. Whosoever emigrates *bona fide* with the purpose of residing permanently in America, shall meet with no obstacle on our part on his becoming an American citizen.

And further:

I might almost assert that we will accept the five years' absence in America when connected with naturalization as a fulfillment of military duty in the North German Confederation.

True to this declaration, the ministers of justice and of the interior of Prussia on July 5 and 6, 1868, issued circulars to the subordinate judicial and administrative authorities, copies of which were by our legation at Berlin communicated to the Department of State, and which translated read as follows:

CIRCULAR OF THE MINISTER OF JUSTICE.

In concluding the treaty of the 22d February of this year (Bulletin of Laws of the Confederation, page 228) agreed upon between the North German Union and the United States of America respecting the nationality of emigrants, it was the prevailing intention—

That, in conformity to the second article of that treaty, the punishment incurred by punishable emigration is not to be brought to execution on occasion of a return of the emigrant to his original country, if the returning emigrant has obtained naturalization in the other country in conformity to the first article of said treaty.

In consideration whereof, in every case where legally valid condemnations of this kind exist against such persons, an official report is to be made to the minister of justice respecting the remission of the declared punishments and costs by way of grace, and, in order to shorten and simplify the matter, these recommendations are to be consolidated in a table if the number of cases is large enough to justify a tabular form of report.

Berlin, July 5, 1868.

The minister of justice,

DR. LEONHARDT.

To all royal courts of appeal, to all royal supreme courts, and to the state attorneys-general in Kiel, Cassel, Wiesbaden, and Frankfurt a. M.

CIRCULAR OF THE MINISTER OF THE INTERIOR.

In concluding the treaty of the 22d February of this year (Bulletin of Laws of the Confederation, page 228) between the North German Union and the United States of America, it was the prevailing intention—

That, in conformity to article 2 of this treaty, the punishable action committed by the unauthorized emigration of a citizen of the Union to the United States of America should not be made ground for a penal prosecution upon the return of such person to his former country after absence of not less than five years, and that the punishment for such action, even though already legally declared, should not be consummated if the person has acquired in America the right of citizenship in conformity to article 1 of said treaty.

The royal government is therefore instructed, in the cases indicated, to abstain from recommending trial and punishment, and in general from every kind of prosecution, whenever the person in question is able to produce the proof that he has become a naturalized citizen of the United States of America in conformity with the first clause of article 1.

The proper judicial authorities will be furnished by the minister of justice with an instruction in all cases wherever legal sentences of this kind exist to report officially the remission, by way of grace, of the declared punishments and costs.

Berlin, July 6, 1868.

For the minister of the interior,

SULZER.

To all the governments of the monarchy.

So the former German citizen who after a five years' residence in this country has acquired American citizenship, although he emigrated in violation of the laws of his original country and without having done military duty, can return to the place of his nativity without being subject to do military duty, without being liable to trial and punishment for his unauthorized emigration, and even fines which

may have been imposed upon him in the mean time shall be remitted. If his property lying there or any inheritance that may have devolved upon him should have been attached, all that is necessary for him to do is to submit the proof and evidence of his having become a naturalized citizen of the United States in conformity with the provisions of the treaty and the attachment will be released.

Now, Mr. Speaker, these are great concessions, highly beneficial to a large number of our naturalized population, which are proposed to be given up by a termination of this treaty, the immediate consequence of which would be to subject naturalized German American citizens, who had emigrated without the consent of their government and without having performed military duty, on their return to Germany not only to trial and punishment therefor but even to military service. The protection that the treaty gives taken away, their American passports and their certificates of citizenship would and could avail them nothing. And why shall we give up the benefits secured by these naturalization treaties? There is a clause in some of the treaties which is contained in the fourth article of the treaty with the North German Confederation and with Württemberg, Bavaria, and Hesse Darmstadt, and which provides:

If a German naturalized in America renews his residence in North Germany without the intent to return to America, he shall be held to have renounced his naturalization in the United States. Reciprocally, if an American naturalized in North Germany renews his residence in the United States without the intent to return to North Germany, he shall be held to have renounced his naturalization in North Germany. The intent not to return may be held to exist when the person naturalized in one country resides more than two years in the other country.

It is this provision of the treaty which has from the very outset caused a vast amount of opposition and dissatisfaction. The wording of said article 4 seems unfortunately ambiguous and its intention not clearly defined. The object of the provision seems to be to prevent Germans who emigrated when very young and who returned with a certificate of American citizenship in their pockets, while not yet beyond the age during which military service is required of German subjects and who appeared to have emigrated for the very purpose of evading their military duty, from staying longer than two years in their native country. The German government, assuming that such persons did not *bona fide* become American citizens, reserved the right to hold under certain circumstances which it considered conclusive that such persons did not intend to return to America but intended to reside permanently in Germany, and thus evade their duties as citizens of the United States and of Germany at the same time. Now, Mr. Speaker, it cannot be the intention of the United States to protect persons who obviously have no love and affection for the country of their adoption and who are in reality no such *bona fide* citizens of our country as they solemnly swore it was their intention to become; and I may be permitted to state here from the feeling which I know exists among the German-American portion of the people of the United States, that they would be the last to claim protection for such persons whom they consider citizens of two worlds but true to none. If my interpretation of the true object of the fourth article of the treaty is correct, then it ought to read as follows:

If a German who without the consent of the government of his native state has emigrated, owing military service to his native state at the time of such emigration, and who has been naturalized as an American citizen in accordance with the provisions of this treaty, shall resume his residence in Germany and shall there reside longer than two years, he may be held not to have the intention to return to the United States and that he has renounced his American citizenship: *Provided*, That he has not yet consummated the thirty-first year of his age, (the term to which military law of Germany makes German subjects liable to military duty:) *And provided further*, That in such cases no prosecution for unauthorized emigration shall take place, even if the emigrant shall have ceased to be an American citizen.

This latter explanation of the treaty was admitted by Herr von Bismarck in the Reichstag of the North German Confederation, and I do not doubt that the German government would assent to such a modification of the treaty, as they only desire to reach young men who had they not emigrated would be in the army, and whose presence, when they are shielded by their American citizenship, creates uneasiness and dissatisfaction among those who remained at home and shouldered the musket.

Mr. Speaker, there is no doubt that cases may arise, and a sense of justice compels us to acknowledge it, when the return of such naturalized American citizens and their permanent, or even protracted, residence may be a matter of vexation to the German government. The connection of the two hemispheres, Europe and America, by an almost daily course of steamers and the close commercial relations between the United States and Germany make it quite easy for young Germans to evade their military obligations to the Fatherland by becoming American citizens for the sole purpose of defrauding their native country of its claim of military service. For instance, a Bremen or Hamburg merchant who has a branch establishment in New York sends his son, when sixteen years of age, to the latter place to act as clerk in his New York house. The father is not an American citizen, but simply avails himself of our free institutions which allow every foreigner to come here and enrich himself. The son has no intention of ever becoming a *bona fide* citizen of our Republic. But, when he becomes of age, at the same time finishing a five years' residence, without having previously declared his intention to become a citizen he can be admitted to citizenship. Armed with a certificate of naturalization and an American passport, he returns to his father's house. His former schoolmates and companions are doing military service, but our newly-acquired citizen laughs at the friends of his

boyhood and claims the protection of the Bancroft treaty, and relies upon his American citizenship. Well, the treaty protects him for two years, but then his certificate of naturalization is no longer the bulwark behind which he can shield himself. He is not longer recognized an American citizen, and when the German government offers him the alternative, either to become a soldier or to betake himself to the country of which he claims to be a citizen, then the German government does a thing for which no sensible and no patriotic man will blame it, and for which we at least ought not to go to war. The sooner we get rid of such "pretended" citizens the better it will be for us.

The German government can reach all such cases, even if the fourth article of the treaty would be modified as I have proposed. And here I will give another potent reason why this modification should take place. As the article stands now, the question arises, What is the political status of a former German citizen who, having become duly and properly naturalized, has returned to his native country, and has resided there for more than two years? As the German government holds that he has no intention to return to America, and that he has renounced his American citizenship, the questions arise, Has he now ceased to be an American citizen? and Has he again become a German citizen? Or is he an outcast, the citizen of no country? Of course, according to our laws, he will and must be considered an American citizen; but supposing he dies in Germany leaving an estate of personal property, according to the laws of which country shall the descent of his estate be regulated, or the validity of his last will and testament be decided? In the case concerning the last will and testament of Mrs. Wurts, a native of New York, who for many years resided at Nice, in France, and who made her testament there, according to the forms of law of the State of New York, the court of appeals at Albany has decided that the validity of a testament, as far as it concerns personal property, depends upon the forms prescribed by the laws of the country of which the testator was a citizen at the time of his death. If this rule should be applied in Germany to a naturalized German-American citizen who previous to his death had resided there more than two years, but who, on account of old age, was never disturbed by the German government, there might arise some very unpleasant litigation. Although the clause of Article IV was evidently intended only for such returned German-Americans who were yet within limit of the military age, it can, according to its wording, be construed to apply to any and every naturalized American who has resided in Germany more than two years. So, Mr. Speaker, it seems in many respects very desirable that Article IV of the naturalization treaty be modified.

It appears from the preamble to the joint resolutions that complaint is made that the German government has harshly construed the naturalization treaties, and that such construction has worked great injustice to naturalized citizens of the United States. Now, Mr. Speaker, although it cannot be denied that cases have arisen in which German-American citizens have been harshly treated on their return to Germany, in violation of the treaty, it must be confessed that such violations of the treaty have in most instances been committed by subordinate police officials who were ignorant of the international stipulations existing. In almost every case which was reported to the American legation and then brought to the cognizance of the higher government authorities, the wrong done to German-American citizens was remedied, and if you will read the dispatches sent by George Bancroft and Bancroft Davis to the Department of State, you will find that these diplomats acknowledge that the German government has generally given the treaty the most liberal construction. I can add my own testimony that in several cases in which my intervention, when I was United States consul at Dresden, was demanded against violations of the treaty by subordinate officers, the government of Saxony in each case very promptly granted relief.

It is true there are some recent cases in which great injustice appears to have been done to naturalized citizens of the United States while sojourning in Germany. One of these is the case of Mr. Julius Baümer, of Chicago, (the papers relating to this case were transmitted to this House by the President,) who had emigrated with the full consent of the Prussian government, and who had been released from all allegiance to that government, and who therefore could not be claimed as owing military duty to Prussia, even if there were no Bancroft treaty in existence. Mr. Baümer is an American citizen, and, moreover, he is above the age of thirty-one years, and consequently not liable to military duty according to the German military law. He went to Münster, in Westphalia, about a year and a half ago, for the purpose of paying a visit to his aged parents. He had barely arrived when the police authorities notified him that he had either to leave Germany or to enter the Prussian army. An appeal to the provincial government of Westphalia brought no relief, and then Mr. Baümer, instead of laying his case before the legation at Berlin or the nearest American consul, petitioned the Prussian ministry for an extension of the time for his departure, which was granted, and before the expiration of which he returned to this country.

The case was brought to the attention of the Department of State, and our minister was instructed "to communicate the complaint to the German government, and to request that proper inquiry may be instituted, and, if the facts be found to be as represented, that measures be taken to prevent a recurrence of like annoyances to citizens

of the United States similarly situated, and to add that it is expected that Mr. Baümer will be reimbursed for any expenses he may have been subjected to in consequence of these arbitrary proceedings of the Westphalian authorities."

This instruction, signed by Mr. F. W. Seward as acting Secretary of State, is a manly defense of a citizen who was arbitrarily expelled from Germany, and for which arbitrary act our Government was by international law fully justified in making this demand, and it is exceedingly to be regretted that the matter was not followed up after the German government could give no better excuse for the expulsion of an American citizen than the statement that in the city of Münster particularly, for some years past, a not inconsiderable number of persons liable to military duty who had been discharged from German and had acquired a foreign, and particularly also a North American, nationality, had returned to reside permanently. In view of the fact that this false state of things, which had become a general annoyance and a danger to public order, required there a more severe application of the right of expulsion, the said government saw particular reasons for a non-indulgent course toward Baümer also, and consequently decreed his expulsion.

At the same time admitting that this was no sufficient reason for the harsh measure, as the answer to the note of our minister contains the declaration that if Mr. Baümer had brought his complaint before the Reichs-Kanzleramt, the decree in question of the royal government at Münster would have been canceled in view of the circumstances, and that in the decision of the case by the higher authorities the existing considerations of local nature would have been subordinate to the general points involved.

The German government, in taking the position that the treaty of February 22, 1868, has nothing to do with the right every sovereign State has to expel from its territory under certain circumstances foreigners who come to sojourn, is perfectly correct, as that treaty has for its chief and sole aim to have naturalized German-American citizens recognized and treated as American citizens on their return to Germany; and this shows us that the cause for annoyance to returned German-American citizens is not to be sought in the fourth article of the treaty with the North-German Confederation, but in an assumption of the right to expel foreigners in a more arbitrary sense than can be justified by the principles of international law.

In order to prove my assertion that article 4 of that treaty has nothing to do with such annoyances, I refer to the naturalization treaty existing with the Grand Duchy of Baden, concluded on July 19, 1868. This treaty does not contain a provision according to which it may be held that a former citizen of Baden, who after a five years' residence in the United States shall return to Baden and reside there for more than two years does not intend to return to America, and has therefore renounced his American citizenship, but, on the contrary, the treaty says that such a person shall not be considered to have resumed his former citizenship. Yet, if he shall of his own accord reacquire it and renounce the citizenship obtained by naturalization, such renunciation shall be allowed and no fixed period shall be required for the recognition of his recovery of his original citizenship. The difference between the two treaties is obvious. The provision in the treaty with Baden is the most liberal, and guarantees full recognition of American citizenship acquired by former subjects of the Grand Duchy, who have emigrated without the consent of their government, and without having fulfilled military duty, and it does away with the obnoxious article 4 contained in the other treaties. Still the government of Baden claims the right to expel any American citizen, native born or naturalized, if he is considered dangerous to the safety of the State, and it is sustained in this position by the German imperial government, as was recently shown in the case of a naturalized American citizen who had returned to Baden to live with his old parents. There was a law enacted by the government of Baden May 5, 1870, concerning the sojourn of foreigners, by which law the minister of the interior is authorized to expel such foreigners as endanger the external or internal safety of the State.

Against the principle involved in that law nothing can be said, as it is entirely in accordance with the recognized principles of international law. But the construction which the government of Baden, sanctioned by the imperial government of Germany, has given to that law is outrageous. Those authorities in attempting to justify the expulsion of a naturalized citizen of the United States, as reported by Mr. Bayard Taylor, (Foreign Relations, page 216,) say that the presence of a naturalized German-American is dangerous to the safety of the Grand Duchy (external or internal?) because his going to America, becoming naturalized there, and returning to Baden sets a pernicious example to other young men! Or as Bayard Taylor says:

The direct inference from the ground taken by the German government is that American citizenship is in itself dangerous, and if the plea were admitted it might be made the occasion for the arbitrary expulsion of all German-Americans of a certain age who may desire to visit their former homes.

In the case of Baümer, the German government went even further than the law of Baden would sanction. Herr von Philippshorn, in his note to our minister, contended "that every sovereign state is entitled under international-law principles, from motives of internal state police or state policy to refuse to foreigners the privilege to sojourn." Such far-reaching principles are unknown to modern international law of civilized nations. Only when public order and safety or public welfare is endangered (*salus publica suprema lex*) by

the presence of a foreigner, his expulsion may be justified; and even as far as international law authorizes the expulsion of foreigners the government exercising that right is responsible for any abuse to the government of the foreigner so expelled.

As I have already said, the German government is correct in its position assumed, that the treaty of February 22, 1868, does not confer upon any naturalized German-American the right to sojourn, reside, or domiciliate in Germany, and therefore an arbitrary expulsion cannot be styled a violation of the Bancroft treaty. But there is another treaty of commerce and navigation between the United States and the Kingdom of Prussia of May 1, 1828, which is yet in force, and which provides, in article 1:

There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall mutually have liberty to enter the ports, places, and rivers of the territories of each party, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs, and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing.

One should think that the expulsion of Baümer, who is not only an inhabitant but also a citizen of the United States, and to be recognized and treated as such by the government of the North German Confederacy, including Prussia, was in gross violation of this treaty. But it appears that the Prussian government has its own rules for construing international treaties. When, in the year 1874, on the discussion of the military bill in the German Reichstag, one of the members, formerly himself a naturalized citizen of the United States, contended that returned German-Americans, even after a residence of more than two years in Germany, could not be expelled as foreigners, because the treaty of May 1, 1828, secured to Americans in Prussia the same security and protection that Prussians enjoy, under the sole condition of their submitting to the laws and ordinances prevailing there, Herr von Delbrück, the president of the German Reichs Kanzleramt, made the memorable and astounding declaration that by that treaty the right to expel Americans was by no means precluded, because this right was so eminent that it was above treaties, and could not be abrogated by a mere treaty of commerce, but only by "*expressis verbis*."

This construction of the treaty is the more surprising as even in time of war between the two countries peaceful and non-combatant American citizens cannot be driven out of Germany as Baümer has been. Article 23 in the treaty of 1799, and revived in that of 1828, distinctly states:

If war should arise between the two contracting parties, the merchants of either country then residing in the other shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects without molestation or hindrance; and all women and children, scholars of every faculty, cultivators of the earth, artisans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all others whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall their houses or goods be burned or otherwise destroyed, nor their fields wasted by the armed force of the enemy, into whose power by the events of war they may happen to fall; but if anything is necessary to be taken from them for the use of such armed force, the same shall be paid for at a reasonable price.

All this demonstrates that a mere notice to terminate the treaty of February 22, 1868, would not benefit the naturalized German-American citizens any, but, on the contrary, would give opportunity for much greater annoyances than have been experienced since the Bancroft treaty went into effect.

If anything is to be done by the Government of the United States in order to secure German-American citizens, whom the German governments have by a solemn treaty promised to recognize and treat as American citizens on their return to the places of their nativity, it cannot be by way of terminating these treaties by a simple notice given by our Government to the other party to the contract, but it must be done by new negotiations, by a revision of the existing treaties, and by endeavors to induce the now consolidated government of Germany to grant American citizens, without any distinction between native-born and naturalized, the right to sojourn, to reside, and to domiciliate in Germany, and to enjoy all the liberties and the protection of the laws as we grant them to that class of citizens of Germany who come here, not to become citizens of our Republic, but who, retaining their allegiance to their emperor, their kings, and their princes, come here for the purpose of engaging in business, and who are treated on the same footing with American citizens. To conclude a treaty with our Government, in which in the most solemn manner it is stipulated that Germans who have emigrated to this country without the consent of their home government and without having fulfilled military duty shall, on their return to their native country, if they have been naturalized in the United States after a five years' residence, be recognized and treated as American citizens, and then to expel them for not having done anything contrary to the laws of Germany, only on the frivolous pretext that they endanger the safety of the German Empire, is at once an act of perfidy and a violation of the liberal principles of modern international law of civilized nations, and of the spirit, if not the letter, of existing treaties; it is at the same time ignoble for a nation, protected by a million of bayonets, and one that felt herself strong enough during the late war with France not to expel one single Frenchman who was at the time sojourning or domiciliated on German soil.

During our late civil war, when the life of the nation was endangered and the last call for men was made for the defense of the country, thousands of German merchants and business men, who were allowed to do business in this country, overran the German diplomatic and consular officers in New York, Philadelphia, Chicago, and other commercial centers, claiming German citizenship and protection and exemption from the draft, setting an example thereby which, as the government of Baden contends, must create dissatisfaction among those who had acquired American citizenship and had no more rights as business men than are accorded to such foreigners who in the days of our need would do nothing to defend the country which gave them the same protection accorded its own citizens.

Mr. Speaker, we are proud to say that we have no alien laws, no laws which would authorize our Government to expel foreigners under the ridiculous pretext that they endanger the safety of our commonwealth; but if the efforts of our Government to protect our citizens in foreign countries against arbitrary expulsions should prove futile, if the German government should insist that a law-abiding American citizen by his presence alone is dangerous to the safety of the empire, or that American citizenship is in itself dangerous, as Bayard Taylor informs us, then, Mr. Speaker, it becomes the duty of the National Legislature of the United States to enact laws which will authorize our Government to retaliate upon the subjects of any power that will prevent by arbitrary police regulations solemn treaty obligations and the principles of free intercourse among civilized nations as sanctioned by international law.

I hope, Mr. Speaker, that the resolutions authorizing the President to give notice to the German government that the Bancroft treaties shall be terminated in accordance with the fifth article will not prevail, but that the President be requested to cause negotiations to be opened with the government of Germany for concluding, in place of the five treaties now existing, one consolidated treaty, based upon more liberal principles and securing to American citizens the right to sojourn and to reside in all parts of Germany in order to attend to their affairs, and to that effect the enjoyment of the same security and protection as the citizens of Germany enjoy in their own country and as the latter are allowed to enjoy here, subject only to the laws and ordinances of the country wherein they reside, and protected against arbitrary expulsions.

"Despotism made possible is certain"—Richardson vs. Rainey.

SPEECH OF HON. JOHN H. EVINS, OF SOUTH CAROLINA.

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 28, 1879,

On the contested-election case of Richardson vs. Rainey, from the first congressional district of South Carolina.

Mr. EVINS, of South Carolina. Mr. Speaker, I trust I shall be pardoned for indulging in a brief retrospect before entering upon the immediate discussion of the issues presented in this case. It will enable us, I am sure, the better to understand the condition of things which brought about the campaign preceding the fall election of 1876, out of which this contest has arisen.

I confess, however, when I remember that for eighteen years (years into which are crowded so many signal events of our history) that the voice of no true son of South Carolina has been heard in this Hall in her defense, I am oppressed with a sense of my inability to give utterance to the thoughts which such an occasion should inspire, and feel stronger than before the desire to shrink from the undertaking.

Under the operation of the reconstruction laws of Congress, and by the help of the Freedmen's Bureau and the bayonet, the white people of South Carolina were in 1868 subjected to the complete domination of their former slaves. In the history of the world it was reserved for a people who had given to the country in the hour of its dire extremity such patriots as Laurens, Pinckney, Rutledge, Marion, Sumter, and Moultrie, and had contributed to the noontide of its glory the luster that shone around the names of Lowndes, Hayne, Calhoun, and McDuffie, to drink to the dregs this bitter cup of humiliation. All the people of the Southern States who had joined with South Carolina in the war between the States were put to the rack and broken upon the wheel set in motion by these laws, but those of South Carolina and Louisiana alone went down under their irresistible force into that dark valley and shadow of death where for years they struggled against adverse fortune, adverse legislation, an adverse administration, and all the red dragons of political and social revolution.

I admit that during this revolution, novel and unparalleled in its character, harsh and cruel measures were sometimes resorted to by men of my own race and party which I have never attempted to justify, and which deserve only the palliation extended to the offense of those who swing a horse-thief upon the most convenient limb and

the incendiary to the nearest lamp-post without the intervention of judge or jury, where the law fails to give protection against such crimes. But when the truth is known, and the world is ready to receive it, men will be astounded that such an overturning of the whole social fabric could be effected without the most direful consequences; they will stand aghast with astonishment that an intelligent and brave people could ever have submitted even for a day to such enormous wrongs and oppressions.

I will do my friends on the other side of this Hall the justice to say that, blinded by the passions engendered by the war, I believe they did not foresee the direful consequences which would necessarily follow their legislation in regard to the States of the South, and that so great has been the partisan prejudice of the last decade that they do not yet fully appreciate them. I ask their attention, therefore, for a very few moments while I sketch in the briefest manner possible the condition of things in my own State, brought about by the reconstruction laws of Congress and the arbitrary measures adopted by the Executive in enforcing them, in order that the supremacy of a political party might be maintained.

By the fortunes of war and its results the aggregate wealth of the State was reduced from six hundred and thirty millions to about one hundred and thirty millions, but her people returning from the war with stout hearts went manfully to work to repair their shattered fortunes and build up their waste-places. It was impossible for them at once to appreciate the full effects of the complete revolution wrought by the emancipation of their former slaves, or to understand how best to deal with a problem where they had no precedent to guide them, and the solution of which had never before taxed the human understanding. It should not, therefore, seem strange, in the light of subsequent legislation on the part of Congress and subsequent events, that they did not act with the greatest wisdom, or even with that intelligence and foresight with which others who had no life-long prejudices and opinions to overcome would have acted.

Their efforts at solving the difficulties of this problem, had, however, a very brief experiment, and after a few years of absolute military rule, new amendments to the Constitution, and new acts of Congress, gave the newly enfranchised race complete control of the State. Grant was magnanimous in the terms he made when he received the spotless sword of Lee, but it can scarcely be said that the Government of the conqueror was magnanimous which placed a brave people, who had in good faith accepted the terms of an honorable surrender of the cause for which they fought, under the dominion of their former slaves. What, I ask in the calm judgment of this hour, were the results which might have been reasonably expected to flow from the creation of such an abnormal condition of society? Would rapine and violence and murder and wholesale butchery of men, women, and children as the result have surprised any one who had any knowledge of the laws by which society is held together or who had been a student of history?

Would not such results have been regarded as the natural consequences of such an unnatural order of things? Let us look a moment at the startling change which was wrought almost in a day in the political and social being of the State, and then ask ourselves when ever before did any people with Anglo-Saxon blood in their veins sit quietly down to work out a peaceful solution of such a problem? Where before in all the ages that are past were a refined and cultivated people, accustomed all their lives to command, ever brought to the test of such a humiliating ordeal? The government, having a history running back even to colonial days, of which any State or nation might be proud, with all its vital machinery for the protection of private rights and the redress of private wrongs, with its public property, its charitable institutions and institutions of learning, taken from the white race which had founded it and administered it for a century and committed to the absolute control of a people just emancipated from a condition of slavery which had scarcely redeemed many of them from the complete barbarism in which it found them; a race without education, without property, without experience, without even the rude knowledge and virtue necessary to enable them to understand and perform the simplest duties devolving upon the citizen of every free government.

Is it surprising that such a people, thus rudely thrust into power, should have become the easy prey of the worst elements of the more intelligent white race and made to serve their villainous schemes of plunder and spoliation? The story of how their superstitious nature was appealed to; how their passions were aroused and their prejudices excited; how the "leprous poison" of hate was poured into their ears by the northern adventurer and southern renegade until they were made to believe that their former owners and the whole southern people were their worst enemies and only waited for an opportunity to re-enslave them, has burdened the press, wearied the ear, and made the heart sick for years past. South Carolina, by reason of the large numerical majority of its black voters, offered, unfortunately for all classes of her people, the most inviting field for the enterprising operations of these twin villains in crime and in infamy.

How they "improved each shining hour," to plunder and to rob her citizens "without regard to race, color, or previous condition," strange to say is most graphically told in the stenographic diary of one of the chief plunderers which recent investigations has brought to light. To mention even the salient points of the gigantic and shameless schemes of spoliation which they conceived and carried

into effect while they held the reins of power would fill up my hour and leave the half untold. How, under Scott, not content with robbing the treasury of all it contained and the tax-payer of his last dollar, they attempted with scrip and bonds, issued by the millions, to put generations unborn under tribute to their cupidity and to insert their long, lank, larcenous fingers into the pockets of posterity; how, under the "native young governor," who has attained not only a national but an international reputation as a thief they held high carnival and revelled in drunken debaucheries in the halls of the State capitol, wasting for what they called "refreshments" during one session of the Legislature the enormous sum of \$350,000, while the poor lunatics in the asylum, whose unfortunate and helpless condition would have moved a heart of stone, were left to starve or to find support at the hands of private citizens whose own resources were almost exhausted; how the learned, the cultured, and polished leader of the plunderers, Daniel H. Chamberlain, chief architect of the miserable thing misnamed a government, becoming its chief executive officer, attempted to gloss over its deformities; and yet how intelligence and virtue and honesty were still thrust aside to make room for ignorance, incompetence, and vice, until the polished carpet-bagger himself, affrighted by the monster he had created, cried out that "the civilization of the Puritan and the cavalier, the round-head and the Huguenot," is in danger of being supplanted by the barbarism of the negro. Thus for eight years did the people of this poor, down-trodden, and oppressed State, with a patience that was heroic, bear their sufferings and their wrongs. Prometheus bound to the rock, while the ravenous vultures tear at his vitals, presents not too strong a picture of the "prostrate State" during these sad and trying years.

Who, while wandering through the beautiful art gallery at the other end of the Avenue, which the munificence of a distinguished resident of this city has dedicated to the public, has not felt his steps arrested as his eye fell upon the brave words, "The crime makes the shame, and not the scaffold," and has not had his heart to throb with inexpressible emotion as he looked through the window gratings of a prison-cell into that face, so sad and weary with troubled thoughts, and into those mournful eyes with their touching expression of quiet, patient endurance which the genius of the artist has made to speak so eloquently from the canvass? As I gazed upon the picture with deepest interest it suddenly became to me no longer the face of Charlotte Corday, but the impersonation of the genius of my own Palmetto State, persecuted, insulted, and incarcerated by the mercenary and heartless stranger and the false and traitorous renegade; thus she stood, peering through her prison bars, during all those dark days of which I have just spoken, pure and undefiled, without the "crime" which "makes the shame," waiting with calm endurance her hour of crucifixion, while still hoping, almost against hope, for the hour of her deliverance. With a grateful and joyful heart I turned away, remembering that the prison bars had already been broken and the scepter of pure and honest government already restored to her hands.

Thus much I have felt it my duty to say in vindication of the honest white people whom I have the honor in part to represent upon this floor and in vindication of the motives and purposes with which in August, 1876, they refused any longer to co-operate with any wing or faction of the republican party and declared for a straight-out democratic ticket.

Having made use of every lawful expedient to improve their condition and lighten the oppressive burdens of taxation without avail, the good people of the State in the summer of 1876 met in convention, and in spite of the blandishments and skillful diplomacy of Governor Chamberlain, who desired a re-election, determined they would no longer vote for any member of a party that had become so infamous, and resolved that they would put a full ticket of their purest and best men in the field and call upon every honest voter of the State, without distinction of color or party, to unite in a supreme effort to wrest the government from the hands of the public thieves and plunderers who had gotten possession of it.

General Wade Hampton, a man whose reputation was without a stain and every pulsation of whose heart was for the honor of the State and the good of her whole people, was nominated for governor, and upon the same ticket were placed the names of those who were in every respect worthy to be his coadjutors in this good work. The wild enthusiasm kindled among all classes by this new departure and the loud acclamations with which Hampton's nomination was greeted from the mountains to the seaboard was a presage of certain victory, which at once filled Chamberlain and his confederates in misrule with dismay. They saw the "handwriting on the wall" and the penitentiary opening to receive them, and in their despair determined by every means within their power to stifle the voice of an indignant and outraged people at the ballot-box, and save themselves from the just fate that awaited them.

The republican convention soon followed. Chamberlain was re-nominated, and on the ticket with him were placed those whom he had denounced as the greatest villains who had ever disgraced civilization, and who, in their turn, had spoken in quite as complimentary terms of him. The struggle on the one side was to redeem the State and save her people from social anarchy and irretrievable bankruptcy; on the other, the sole purpose of the leaders was to maintain their hold upon the public treasury, with a view to further schemes of spolia-

tion, and to save themselves from the sure punishment which they knew their crimes deserved.

Thus was inaugurated the campaign out of which has grown the contest now under consideration. I propose, in the first place, to examine very briefly the grounds upon which Governor Chamberlain and President Grant issued their proclamations declaring that "insurrection and domestic violence" existed in several counties of the State, and that "certain combinations of men against law existed in many counties of the State." Never was there a grosser libel uttered against any people than is contained in the words of these proclamations. There was absolutely no "unlawful obstructions and combinations and assemblages of persons in the counties of Aiken and Barnwell," or elsewhere, which made it impracticable "to enforce by the ordinary course of judicial proceeding the laws of the State;" there was no insurrection and no domestic violence to give the slightest warrant of authority for the interference of the President, even if he had been applied to in the manner prescribed by the Constitution.

On the 7th day of October, the same day Governor Chamberlain issued his proclamation, Chief Justice Moses, an ardent republican, in reply to a note from General Hampton calling his attention to a letter of Governor Chamberlain to Colonel Haskell, says:

I shall require very strong evidence to satisfy me that South Carolina is an armed camp. I know of nothing which would lead me so to conclude. For myself I do not know of anything which would make me doubtful in any part of the State of enjoying the same security which I feel attaches to me under my own roof. I trust the day is far distant when violations of the peace in our own borders will require the interference of any arm more potent than that of the law.

Associate Justice Willard, a northern man and a republican, writing the same day to Colonel Haskell, the chairman of the State democratic executive committee, used these words:

I can only say that I have witnessed nothing beyond the circumstances generally characteristic of an excited political canvass. I have seen no violence. On the contrary, as far as I have had intercourse with gentlemen of your party, I have observed less disposition to excited statement and personal bitterness than during any of the previous political campaigns of this State.

The circuit judges (all republicans with one exception) declared that there was "no lawlessness, no violence, which the courts could not remedy, and that the law was administered without difficulty."

In reference to the condition of things in the first congressional district, which the contestee claims to represent on this floor, I assert, without the fear of successful contradiction, that during the whole canvass, with the exception of one or two attempts on the part of the republicans to prevent democratic speakers from being heard, there was as little lawlessness or violence as in any other congressional district in the Union. Although the canvass was a most earnest and vigorous one on both sides, almost the only cases of lawlessness which occurred grew out of the violent efforts made by the black race to prevent persons of their own color from co-operating with the whites or voting the democratic ticket. The law was wholly unobstructed, and the authority of the courts was respected and obeyed as in the days of profoundest quiet. The testimony of the two judges, (Shaw and Townsend,) whose circuits embraced every county in this district, is conclusive on this subject.

Judge Shaw testifies as follows:

Question. Where do you reside?

Answer. In the town of Sumter, South Carolina.

Q. Do you hold any official position in the State; and, if so, what?

A. I am judge of the third judicial circuit, composed of the counties of Sumter, Clarendon, Williamsburgh, and Georgetown.

Q. How long have you been the judge of this circuit?

A. Since February, 1875.

Q. Where were you during the political canvass of last fall, and at the time of the election on the 7th of November?

A. During the month of September I was at the North. I returned to Sumter the first week in October, and have been within the limits of my circuit ever since. On the day of the election I was in the town of Sumter.

Q. When did the fall and winter terms of your courts begin, and when did they close?

A. They commenced at Sumter the second week in October and ended at Georgetown about the second week in November. The business of the courts, however, did not occupy all of this time. The litigated cases in the common pleas were not tried, and there were fewer cases in the general sessions than ever before on the circuit within my knowledge. In Sumter, especially, where the dockets were always heavy, there were only five or six cases.

Q. Was there during this period any insurrection, domestic violence, or lawlessness in your circuit, which obstructed or hindered the execution of the laws?

A. None that I ever knew or heard of. There was no lawlessness or violence of any kind which the ordinary process of the courts could not remedy, and, notwithstanding the very great political excitement which prevailed, the laws were maintained and administered without difficulty.

The following is Judge Townsend's deposition:

THE STATE OF SOUTH CAROLINA:

Personally appeared before me C. P. Townsend, who, after being duly sworn, says that he is judge of the fourth judicial circuit of the State of South Carolina, and has been since August, 1872; that during the last political campaign in South Carolina, extending from July to November 7, 1876, there was no obstruction to the execution of the process of the courts throughout his circuit, so far as his knowledge extended, and the law was administered and enforced by the ordinary method provided by the General Assembly in accordance with the State constitution; and that there was no lawlessness or violence, at any time during the campaign, which could not have been checked and remedied by the process of the courts.

Sworn to and subscribed before me this 2d March, 1877.

[SEAL.]

THOS. W. BEATY, C. C. P.

The so-called rifle-clubs in this district, with the exception perhaps of two or three which had existed for years with the full knowl-

edge and sanction of Governor Chamberlain, are abundantly shown to have been mere political organizations, such as existed everywhere throughout the country, without any military feature whatever, except that in one or two localities the members of these clubs, with their private arms, were sometimes forced by the disorderly and threatening demonstrations of the well-armed negro militia companies to do police duty to save their property from the torch of the incendiary.

Can any one, therefore, longer doubt that the orders disbanding these political clubs while the negro militia was allowed to retain its arms and organization, and the sending of armed soldiers to the voting precincts, constituted a bold violation of the Constitution and the rights of the citizen, with a definite purpose of carrying the elections, both Federal and State, at the point of the bayonet? This purpose is further made manifest in the order of the Secretary of War to General Sherman, dated the 17th day of October, the very day the proclamation of the President was issued, and before it was even known in South Carolina, commanding him to send forward "immediately all the available force in the military division of the Atlantic to report to General Ruger, commanding at Columbia, South Carolina," and to "instruct that officer to station his troops in such localities that they may be most speedily and effectively used in case of any resistance to the authority of the United States." These instructions were given, too, notwithstanding the fact that General Ruger had telegraphed the President only the day before from Columbia, saying all was quiet; "if I need more troops I will send you a dispatch telling you I need them." The evident design was to get, under the pretext of the charges made in the proclamation, as many troops as possible into the State, in order that they might be used at the polls to bolster up the failing fortunes of a party which, in South Carolina at least, was fast falling to pieces under the weight of its own rottenness and corruption.

As to the right of the Executive to station soldiers at the polls, I shall have something to say before I conclude my argument.

Although I am thoroughly satisfied that the contestant has fully shown that he is entitled to his seat as a member of this body, according to numerous precedents established by our friends on the other side of this Chamber, I am not disposed to find fault with the majority of the committee, who have declined to follow these precedents, and have been content with asking this House to declare the election void and the seat vacant. The very able report and the convincing and unanswerable argument made therein by the gentleman from Louisiana [Mr. ELLIS] leaves very little to be said in support of the resolution which the majority of the committee has presented. I trust, however, I shall be indulged in presenting a few of the points which I think are altogether sufficient, even aside from the use made of the Army, to vacate this election.

The first which I shall notice is the large number of fraudulent votes cast, as shown by previous elections and by the United States census. According to the census of 1870 the total population of the counties composing the first congressional district was as follows:

Chesterfield County	10,584
Marlborough County	11,814
Marion County	22,160
Horry County	10,721
Georgetown County	16,161
Williamsburgh County	15,489
Darlington County	26,243
Sumter County	25,268

Total 138,440

At the rate of one voter to every five we would have had, therefore, in 1870, 27,688 votes. Accordingly in that year we find the number of votes cast in this district, after an exceedingly hot contest, in which the candidates of both parties personally canvassed each county in the State, was 25,479. In 1874, after a very exciting contest, especially in the first district, we find the number of votes for Congress was 27,926. Yet the State board of canvassers declare that contestee and contestant together received, at the election in November, 1876, 34,841 votes, an excess in 1876 over the election of 1874 of 6,915, and over that of 1870 of 9,362 votes, being nearly 7,000 more than was ever cast in the district before. I know that in every part of the State strenuous efforts were made to bring out the full voting strength by both parties; but can this enormous excess be accounted for in any legitimate way? I am satisfied it cannot. Instead of the population in that section having been increased by immigration or by any other cause, it is a well-known fact that since their emancipation the disposition of the colored people has been to leave the rural districts and crowd into the larger towns and cities. But a comparison of the census of 1850 with that of 1870 will demonstrate the illegality of at least three or four thousand of these votes. The increase in the population of this district during the prosperous period of ten years intervening between 1850 and 1860 was 17,753. Now, taking the population as given us by the census of 1870, 138,440, and the same ratio of votes to population, (one to every five,) it would require, in order to get the 34,841 votes in 1876, an increase in six years of 7,153 voters, and of population an increase of 35,765 against 17,753 in the ten years from 1850 to 1860.

It is scarcely possible, with all the election machinery completely in the hands of the party friends of the contestee, that the contestant could have received many of these illegal votes. Such a show-

ing as this was the principal if not the sole ground upon which, in the last Congress, Buttz in his contest with Mackey succeeded in having the election set aside.

Passing by, in the next place, the innumerable irregularities in the manner of conducting the election, which so greatly facilitated fraudulent voting, I desire to show the partisan conduct of the republican managers, supervisors, and deputy marshals who controlled and surrounded the ballot-boxes, and the gross outrages upon the rights of the citizen and a free ballot committed by them.

Thomas E. Rhodes, a republican who supported the Jones republican ticket in Georgetown County, testifies that he was at the Santee poll on the day of the election, and that the managers refused to allow him to vote the ticket he desired; and other witnesses testify to a similar partisan spirit shown by the managers at other precincts. Many of the republican supervisors were themselves candidates, and took an active part in electioneering at the polls. In the county of Sumter alone, the testimony shows that the following persons were candidates upon the republican ticket, and also acted as United States supervisors: J. H. Ferriter, John W. Westbury, W. J. Andrews, and T. B. Johnson were candidates for the State Legislature and United States supervisors; T. J. Toumey, for school commissioner and United States supervisor; Rufus C. Westbury, for county commissioner and United States supervisor; Samuel Lee, for judge of probate and United States supervisor.

But I desire to speak more particularly of the large number of deputy United States marshals (all of them republicans, and many of them candidates for office) who were appointed, not only without authority of law, but contrary to the plain letter of the law, for every precinct in Darlington and Sumter Counties, if not in all the others, for the purpose of intimidating and overawing voters. These marshals claimed to have orders to make arrests and to control the military stationed at the polls. In order to show how thoroughly they performed the lawless and disreputable work assigned them, I quote only a few passages from the large amount of evidence on this subject:

J. A. Rhome, of Sumter County, sworn:

Question. Where were you on the day of election?

Answer. At the Lynchburgh box.

Q. Were United States troops stationed near the box?

A. Ten soldiers, under command of a lieutenant, were stationed within one hundred and fifty yards of that poll; arrived the morning before and left the second day after the election.

Q. Who acted as United States deputy marshal?

A. A. Lagru.

Q. Was he or was he not a candidate on the republican ticket?

A. He was.

Q. Was anything done by Lagru in his official capacity that day?

A. At an early hour in the morning he approached J. W. Wilson and told him that he would have to go to Charleston and give an account for his conduct for handing a man two tickets; that when he came there he intended to avoid arresting anybody if he could do it, but now "you have to go to Charleston to answer for that." Mr. Wilson explained that in handing two tickets to Mr. Boyce he had not folded them together, nor had he designed that he should vote or attempt to vote two tickets. Lagru said, "You need not explain to me; you have to explain that in Charleston; I am not trying the case."

Q. Did or did not the conduct of Lagru exert an intimidating effect upon the colored voters?

A. It did.

Q. Had Wilson been very active prior to this attempted arrest in distributing democratic tickets?

A. He had.

Q. After this attempted arrest by Lagru, did or did not Wilson cease to distribute tickets and consider himself arrested?

A. He ceased to distribute tickets and did not take any active part any more that day.

Q. What was the effect of this attempted arrest upon others?

A. Several persons who assisted in distributing democratic tickets ceased to do so in consequence of the arrest and said they would not take any part, for the reason that they were afraid to do so.

Dr. A. H. Frieson, of Sumter County, sworn:

Question. What is your age?

Answer. Fifty-six.

Q. Where did you vote?

A. At Lynchburgh.

Q. J. H. Legare testified in his examination for Rainey that the troops were a half mile off and not in sight; is this true or false?

A. It is false. They were fully in sight and within two hundred yards of the polls.

Q. J. H. Legare says that he did not say to any one on the day of election at Lynchburgh that the troops stationed here were subject to his orders, and would arrest whoever he directed arrested; do you know this to be false?

A. I know it to be false.

Q. Did Legare speak to you on election day on that point?

A. Yes. He said those troops (pointing to the tents which were in sight) are subject to my order; exposed his badge as United States deputy marshal; said he was deputy marshal, to satisfy me that he had authority over the troops.

W. J. McLeod, of Sumter County, sworn:

Question. Did you see J. H. Legare the day of election?

Answer. Yes; I was told that he was a deputy United States marshal.

Q. What was the current rumor as to Legare's conduct?

A. I came late. Expected to find the democrats working like beavers. Saw there was very little doing. Was told that the United States marshal had arrested one man and threatened to arrest others, and was told that the democrats thought it better to be as quiet as possible. The democrats were demoralized. They did not know the law, nor the extent of Legare's authority, and feared to take a wrong step.

Captain L. R. Ragsdale, of Timmons ville, Darlington County, sworn:

Question. What was the conduct of the deputy United States marshals at your precinct?

Answer. Extremely partisan—interfering with the democratic colored votes.

Colonel J. A. Law, of Darlington County, sworn:

I heard one B. F. Whittemore, the acknowledged leader of the republican party in this county, harangue a large crowd of colored voters in the town of Darlington, and I heard him state, in the course of his remarks, that he had been informed that a number of the colored republican voters intended to split their ticket and vote for candidates on the democratic ticket, and that they could not do it—that they must vote the solid republican ticket. The said B. F. Whittemore was United States deputy marshal, and the United States troops at this place were entirely under his control, and subject to his orders.

Question. How do you know that Mr. Whittemore was United States deputy marshal, and that the United States troops were under his control?

Answer. I was informed by Mr. Whittemore himself, and also by Lieutenant Deems, commanding the detachment of United States troops at this place, that the said troops were under his orders.

Major A. C. Spain, of Darlington County, sworn:

On the day before the election there came to Darlington about one dozen troops under the command of a lieutenant. More troops were camped about two hundred and fifty to three hundred yards from the polls. Whittemore, the leader of the radical party, was the chief United States deputy marshal, and claimed to hold those troops subject to his orders. There was not a more active partisan at the two polls upon the day of election than this official.

Theodore S. Gailliard, an active democrat of Darlington County, sworn:

Question. Were you or not yourself arrested on the day preceding the election?

Answer. I was.

Q. State the circumstances.

A. About sunset I was arrested by the United States deputy marshal, and taken twelve miles on horseback through the country, and carried before the United States commissioner, Elihu C. Baker, under a charge of a violation of the enforcement act. I was required to give bond for my appearance at the United States district court at Charleston, on the 1st of January next after.

Q. Were you prosecuted?

A. No; the case was not called.

It would be entirely unnecessary, even if I had time to do so, to comment on this testimony given by men of the highest character in their respective counties. Its simple recital is sufficient to convince any candid mind that an election held where the authority of such bitter partisans, backed by the civil and military power of the National Government was supreme, could only be a mockery and a sham.

Another one of the most potent reasons for nullifying the election is found in the wholesale intimidation practiced by colored republicans to prevent persons of their own race from co-operating with the democratic or conservative party, or voting that ticket on the day of election. The testimony on this point is so voluminous, as detailed by republicans and democrats of both races, that I can quote but a very small portion of it.

Out of the large number of witnesses I shall select only a few from the three counties of Sumter, Darlington, and Georgetown. From Sumter I take the following:

London Sumpter (colored) sworn, (page 88:)

Question. When did you join the democratic party?

Answer. In March last.

Q. Were any threats or influence brought to bear upon you to cause you to vote for or against the democratic party? If so, state them.

A. The day before the election I was threatened to get killed if I voted the democratic ticket; the information was brought to me by others. (Objected to as hearsay.)

Saw that Isham Robinson's premises had been set on fire; while canvassing the county James Gaston told me that if I got to Wedgefield, where I had an appointment to speak for the democrats, that there was a party there intending to horse-whip me; that while going to Privateer for the same purpose I was informed that I would be murdered.

Robert Ross (colored) sworn, (page 93:)

Question. Were any threats or undue influences brought to bear on you to keep you from canvassing the county for the democrats and to keep you from voting the democratic ticket? If so, state what.

Answer. They were. I was told that if I should go to Privateer to speak I would not return alive, and I better had fast horses to get away, because the coons down there said they don't intend to allow any democratic niggers to address them in that section.

Isaac Haynemuth (colored) sworn, (page 99:)

Question. How did you propose to vote in the recent election?

Answer. Democratic.

Q. Which way did you vote?

A. Radical.

Q. Why?

A. Because I heard that they were burning out so many people, it kept me back.

Q. Did you hear of any other thing?

A. Yes; I heard they were whipping.

Q. Who was it they said they would whip and burn out?

A. The democrats.

Q. Where did you hear these things?

A. Through the whole neighborhood.

(Objected to as hearsay.)

Q. Were the other colored people on the same place with you going to vote as you did?

A. They were going to vote the democratic ticket, and refrained, from the same rumors.

A. Ruffin (colored) sworn, (page 100:)

Question. Were you a citizen of Sumter County and located at Sumter during the late campaign?

Answer. I was.

Q. Did you canvass the county as a member of the democratic club?

A. I did.

Q. Were you ever imposed upon or maltreated for your democratic opinions?

A. I was treated very roughly at Mayesville, abused and threatened with a whipping. At Sumter I was informed by Mr. J. M. Tindall, candidate for sheriff of the county on the republican ticket, and at that time the sheriff, that if I went to Privateer I would be whipped. He afterward said that I would be allowed to speak if I agreed that he was to follow me, and that I had better have a good horse

to get away on. At Wedgetfield the buggy I was in was stopped, and I was very seriously threatened. The Rev. W. E. Johnson was riding with me. He stopped the man who was threatening me and sent him away. He was the republican senator for the county.

Ralph Wilson (colored) sworn, (page 102:)

Question. Are you a resident of this county?

Answer. I am.

Q. Were you here during the last campaign and election?

A. I was.

Q. Did you join the democratic party and vote the democratic ticket?

A. I did.

Q. Were any threats made against you for joining the democratic party and for desiring to vote the democratic ticket? If so, state what threats, and whom made by.

A. They threatened to whip me, and threatened also to burn out every democratic nigger; further stated that the troops came here to make them vote for the republican party.

Isham Robinson (colored) sworn, (page 86:)

Question. When did you unite yourself with the democratic party?

Answer. In March last.

Q. Tell anything that was said to you to make you vote either for or against the republican party.

A. Just before Hampton made his speech in Sumter they came to his house on a Saturday night and set fire to my cow-pen on both sides. The wind was very high at the time. I ran out and drew the fence down and, with the help of my family, put the fire out.

Q. Have you heard any threats previous to your cow-pen being set on fire?

A. I did hear, and all that would vote the democratic ticket would be burned out. In consequence of these threats I set up and guarded my premises for two weeks thereafter, and did not vote on the day of election.

D. A. Foxworth sworn, (page 109:)

Question. Are you a resident of the county, and were you during the last election?

Answer. I was.

Q. Was there or was there not a widespread intimidation in this county over the colored voters; and, if so, who was the intimidation exerted by?

A. Exerted principally by the radical leaders and the black.

Q. Were or were not the colored people actually afraid to vote the democratic ticket?

A. Some of them were. Some who voted with the democratic party before were afraid to do so this time, and staid at home.

(Objected to.)

Q. What were they afraid of?

A. Afraid of the threats made by the colored people.

Q. What were those threats?

A. Various threats; threatened to be murdered, mobbed, burned out, and some were badly beaten; wives threatened to quit their husbands if they voted the democratic ticket; in one instance, a woman who formerly belonged to me, her son desired to join the democratic party, and she threatened to cut his throat. Six men on my place desired to vote the democratic ticket, but did not vote at all on account of the threats made.

In Darlington County I can cite the testimony of only three or four out of a large number who gave evidence on this point.

Colonel J. A. Law sworn, (page 187:)

Question. Do you know of any instances of intimidation? If so, give them.

Answer. I know of instances. One was in the case of a colored man by name of Jack —, living on the place of E. A. Law, of Darlington; stated to me on the evening before the election that he was a democrat, and intended to vote the democratic ticket; that he was afraid to go to the polls on the morning of the election, but would wait until the afternoon, when he would come down on a back street, requesting me to meet him at a certain place and go with him to the polls for protection; that if I did not do it he would be injured by members of the republican party, as he had been threatened by members of the same party. I saw Joseph Jones, a colored democrat, violently assaulted by a colored woman, who sympathized with the republican party, within twenty feet of poll No. 1, for attempting to vote the democratic ticket. Other colored voters, whose names I do not now remember, came to me and insisted upon my going to the polls with them, as they intended to vote the democratic ticket but were afraid to do so.

W. H. Jamison sworn, (page 203:)

Question. Do you know of any intimidation?

Answer. I do. I was intimidated myself. We were in fear of an outbreak at any moment at the polls, as the polls were surrounded, from the opening of the same until the vote was counted, by a turbulent mass of colored men, and we knew that should it occur we would have been sacrificed. * * * A colored man who had voted the democratic ticket informed us that the republican negroes had threatened our lives. The negroes surrounded the building and were drawn up in three lines, and we heard some commands and they opened ranks for us to pass through. * * * Jack Robinson, a colored assistant deputy United States marshal, informed me that he would have voted the democratic ticket were it not that his life was threatened should he do so.

Q. How many negroes voted the democratic ticket at this precinct?

A. Only four.

Q. How many votes were polled at this precinct?

A. Four hundred and fifty-four. A number of negroes claimed that their wives would have taken their lives had they voted the democratic ticket; and, further, that after a meeting of the democratic club, at Society Hill, preceding the election, a negro woman came up into the crowd, with a drawn knife in her hands, and threatened her husband's life if he did not take his name off the democratic club roll, which he had previously signed. His name was James Blanton. The same requested the secretary to scratch his name off, as from the character of the woman she would certainly have killed him.

Cyrus Alston (colored) sworn, (page 209:)

Question. Are you a resident of Darlington County, and were you present on the 7th of November, 1876, at Society Hill precinct?

Answer. I was in the county, but did not come to the election or vote.

Q. Why?

A. They threatened that they would kill the democratic negroes, therefore I did not come.

Q. Did you wish to vote the democratic ticket?

A. I did.

Q. Who did you mean by "they"?

A. Radical colored men living on the place with me.

Yanty Byrd (colored) sworn, (page 166:)

Question. Are you a resident of Darlington County, and were you present at the general election of November 7, 1876?

Answer. I am, and was.

Q. Were you a member of the democratic party?

A. I am, and have been since the war, and expect to remain so.

Q. Have you ever been threatened, abused, or disturbed on account of being a democrat?

A. I have been cursed, abused, and threatened to be whipped for being a democrat; they double-teamed me once, and have attempted to whip me several times.

Q. Was violence used or threatened against other democrats, colored?

A. Oh, yes; I heard Abraham Brown's son threaten to whip him coming from the Hampton meeting at Darlington Court-House, the Saturday before the election.

Q. Were colored men prevented from voting the democratic ticket by others of their own color?

A. Many colored men were prevented from voting the democratic ticket by their own color; many have told me so since the election.

Q. Were not the colored people told by B. F. Whittemore and others to fire the woods on the day of election, to keep the democrats at home to fight fire?

A. He told them if the women could not control their husbands that they must set fire to the woods to keep democrats at home. Fortunately the night before the election as well as the day of the election it rained very hard, and thus prevented this part of the republican programme.

But the most fearful reign of terror, rivaling even the savage in its ferocity, is shown by the evidence to have existed in Georgetown County. The few extracts which I have time to read can give but a faint conception of it.

R. M. Harriot (colored) sworn, testified as follows, (page 114:)

Resides in Georgetown County, and was residing there at the last election. Was engaged in canvassing the county; was a candidate on the republican ticket. Early in the morning went to the Santee poll, before it opened, and remained there until about eight o'clock a. m. Went to this poll to advocate Chamberlain and himself for election—himself for the State house of representatives. Distributed the Jones ticket, but the people would not allow them distributed. Saw a great deal of fuss and noise going on at the poll. The excited crowd would not allow one voter and others to vote for this deponent. These votes were taken away and torn up. He saw that his remaining there would cause a fuss, since the general manner of the crowd was threatening, and so he left the poll, fearing a disturbance. This excited crowd did not allow the voters to vote as they pleased. In a violent manner this crowd would not allow any of the voters to take tickets from this deponent. They would not even allow him to paste a slip containing his own name over any one on the regular republican tickets; but, in an excited manner, would let him have nothing to do with the tickets.

He did not vote at this poll, because he did not believe he would be allowed to vote as he pleased. These parties were advocating the ticket upon which J. H. Rainey was a candidate. They were determined that no other ticket should be voted at the Santee poll.

Eli Howard (colored) testified as follows, after being duly sworn, (page 116:)

That he knows Joseph Bush, who lives on Santee. He was a candidate for county commissioner on the republican ticket. Saw Joseph Bush several times in Georgetown before election day. Heard him say just before the election, while speaking to a large crowd, that if any one was damned fool enough to carry democratic tickets to the Santee poll he would be killed. Previous to this he, Joseph Bush, told this deponent that he could control the Santee poll and make the people do whatever he said; that the people would do whatever he told them. He explained to the deponent that on one occasion he had quieted a riotous crowd on the Santee, and thus he believed he had entire control over the people there. * * * After what he had heard from James Bush, he, the deponent, would not have dared to go to the Santee poll to vote the democratic ticket.

J. A. Jackson (colored) sworn, (page 119:)

In the course of the canvass went to several polls of the county. Was prohibited from going to Santee and Bowbicket, and threatened with his life if he went there. His life was threatened in Waccamaw, so that he was compelled to seek protection and use stratagem to escape. One man told him he would not allow any d—d democrat to come in that part of the county; that such a one would have to lose his blood there if he ever attempted it. Was frequently threatened with his life. He knows there was considerable ostracising of those who were democrats; and the threats of violence to him were such that he was prohibited from traveling and making speeches to the people. He thinks if the troops had been brought into this State for peace and the true protection of the voter that it was essential to have some of them in Georgetown to enable the democratic colored voters to vote as they pleased. He knows there was an application made for troops to protect the colored people who wanted to vote the reform ticket. This effort was unsuccessful. He remembers when John S. Richardson was canvassing the county; was present when he attempted to address the people at a mass-meeting. He was frequently interrupted by a noisy mob, who acted in such a manner as would demons of hell. He compared the scene to the wilds of Africa. Fiendish howls and abrupt questions to the speaker were beyond description. This behavior compelled Mr. Richardson to give up the effort. J. Harvey Jones appeared to be the leader of this riotous mob. On this same occasion a colored gentleman, named Hutchins, attempted to address the people in behalf of the democrats, but was not allowed. He was not allowed to speak at all. He was led to believe that this behavior had been the result of a concerted plan on the part of the republican leaders to interrupt free speech.

At some of the polls he would not have dared to go on election day. His life was threatened. Does not think any man would have dared to carry democratic tickets to these polls. The threats were so great and violent against colored democrats as to make them fear to act or vote freely.

London Green, (colored,) being duly sworn, testified, (page 125:)

That he lives on North Santee. On the day of election walked down to the Santee poll. Started from home at seven o'clock in the morning. When he got near the poll met Paul Allston with tickets for distribution. These were the red tickets, republican. He asked deponent how he was going to vote. He said, "The Jones ticket." Paul said, "If you vote Jones's ticket to-day I will see you between now and dark, because Jones is a democrat, and no man shall vote Jones's ticket here to-day." He, deponent, told the boys with him to come on, and Paul Allston said, "If you or any man attempt to vote the Jones ticket at this poll to-day I will have you all arrested here to-day." He said he had authority to arrest any man who voted other than the red republican ticket; that he got his authority from Governor Chamberlain. He then pulled out a paper from his pocket purporting to be his written authority. Deponent then said to the men with him, "Boys, if voting the Jones ticket here to-day will cause a row, and have us all arrested, we must vote the ticket that Paul Allston has, right or wrong."

Deponent says there were about sixty or seventy men who were at first of his own determination, but who afterward changed their determination on account of the threats made by Paul Allston of arresting any man who voted the Jones ticket. There was a great gang of men with Paul Allston in the road, and they would not allow deponent and his party to pass by.

Saw Joseph Burt at this poll. He appeared to be the chief mover of the crowd that was supporting the red republican ticket. Saw no guns at the poll that day. Did not remain at the poll more than two hours after voting.

Deponent says that he and his crowd were so much intimidated by the threats of Paul Allston, backed up by his show of authority, that they felt compelled to vote the red republican ticket, which was not the ticket of his choice.

Deponent testifies that Joseph Bart tried to persuade him not to obey the summons issued by R. L. Fraser, notary public, to attend an examination in the present case of John S. Richardson vs. J. H. Rainey.

Thinks there were some one hundred and fifty or more persons who were influenced by the threats of Paul Allston to vote against their choice in the same manner as deponent was. He thinks it would have been difficult for any person to vote any other than the red republican ticket at that poll on that day.

But I can only glance at the testimony of a few others. Mr. S. E. Barnwell, a very intelligent gentleman, says that he took an active part in the campaign; that the white people abandoned a meeting appointed at Santee because they did not think it safe to go there; that it was not safe for colored democrats to express their opinions in the county, and at Santee poll deponent "would have advised a colored friend of his not to run such a risk; that it was too great for the occasion to justify."

Friday Bossard, (colored,) being duly sworn, testifies, (page 40:)

Resides in Georgetown County. In the last campaign took part with the reform movement. Means of intimidation were used against all colored persons who wished to join the reform movement by the republican parties. Joseph H. Rainey, at the Georgetown poll, was seen by deponent to take away a democratic ticket from a colored voter, saying his name was not on it, and was only prevented by the active interference of deponent from tearing it up.

The doctrine was taught by the republican leaders that the democrats would put the colored people back into slavery. Does not know of any threats or actual violence.

The colored voters on deponent's plantation were afraid to vote as they pleased on account of the teachings of the radical leaders. Thinks a great many of them would have voted the democratic ticket had they not been afraid to do so. Deponent's brother had to come to the poll by daybreak to vote, for fear he would be found out and injured, on account of having voted the democratic ticket. From his observation on his own plantation, deponent thinks this same influence was extended throughout the entire county, and that it prevented many colored men from voting the democratic ticket.

W. S. Collins sworn, (page 129:)

Is a citizen of Georgetown County; resides in the Upper Pee Dee section. Was at Grier's precinct on election day; was a manager at that poll, and properly qualified. The other managers were John Grove and Joe Branson. Does not know that these managers had qualified. Joe Branson elected chairman of the board, and James A. Bowly was clerk; sworn in before the managers. There were about 223 votes at this precinct, but is not certain as to the number.

Before the election he heard threats uttered against any one who would vote the democratic ticket. When he was electioneering, the people told him that they were afraid to join the democrats, because their wives would leave them, or personal injury would be done to them. They could not vote the reform ticket and let it be known without danger of being killed. Some said that they would be served as June Woodward had been served, who, they said, had been whipped; and so they feared to vote the democratic ticket.

(Contestee objects to the introduction of the fact that June Woodward had been whipped as hearsay.)

The fact was generally known in that section of the country that June Woodward had been whipped on account of his political sentiments. June Woodward told deponent that he had been whipped, and that many others would have joined the democrats but they feared to do so.

(Objected to by contestee as being what June Woodward said and ergo hearsay.) June Woodward was an advocate of the reform or democratic ticket. It was dangerous to go against the republican ticket, was the feeling among the voters in that section of the country. It was the general impression among the people that the leaders of the republican party would make it dangerous to any one who voted the democratic ticket. A great many colored men here were intimidated by this impression from voting the democratic ticket.

Henry Smith, a colored democrat, (page 127,) testified that he was ambushed by a party of fifteen or eighteen colored men, who sprang suddenly into the road, seizing and striking his horse, threatening him in the most violent manner as being leagued with the white people in an attempt to put them back into slavery, and finally dismissing him with the solemn warning that he was "not to cast any vote or come to the poll on election day."

Job Mazyck, a colored man and a United States deputy marshal, (page 132,) says he "heard threats made against W. H. Jones for affiliating with the democrats. Heard that at Santee there were five men placed on the road to shoot W. H. Jones because he was thought to be a democrat. Knows one little fellow who was made drunk for the express purpose of shooting Jones, and who afterward said, 'Damned if he wouldn't shoot him if he had come along.' Knows that W. H. Jones was afraid to visit Black River, Upper Waccamaw, and Santee, because the people there had threatened him because he was thought to be a democrat." He also knew of other attempts made upon the life of Jones by these same political leaders; "that if the people had been allowed to vote as they pleased that the Jones ticket and the democratic ticket would have got a much larger number of votes than they did."

The evidence is abundant and overwhelming to convince any unprejudiced mind that in these three counties none but the boldest and most fearless negroes, or those who had the immediate and strong protection of the whites, dared to vote a democratic ticket. Hundreds in each of these counties were forced to vote the republican ticket or to refrain from voting through fear of bodily harm or injury to the small property they possessed. And in the county of Georgetown, where the colored population so largely preponderates, the negro leaders had during the campaign, by the denial of free speech to democrats of both colors, by their own incendiary and inflammatory harangues, by threats and violence of the most savage character inflicted upon those of their own race who even dared to advocate a republican ticket with a single democratic name upon it, so maddened and infuriated their followers that they acted more like ferocious wild beasts in their fierce opposition to the whites than like free

voters in a free country. By such means was the voice of the people stifled and large majorities rolled up for the contestee. And yet the report of the minority declares that "there is nothing in the record to show social ostracism or that fear was preventing the colored voters from supporting Hampton."

After all the flourish of trumpets in the proclamations of the governor and the President about innumerable "rifle-clubs" in hostile array against Chamberlain and his government, and with the fullest opportunity in seven hundred and fifty pages of printed testimony to show their existence, only four are shown to have been formed, two only were armed, and all were disbanded upon the publication of the governor's proclamation. Democratic clubs were organized in every neighborhood in the State, and many of them were uniformed with red shirts; but they were unarmed and in no sense of the word were they military organizations. In a very few instances, in localities where the colored militia, with arms and fixed ammunition furnished them by the State, were so violent in their demonstrations as to menace the lives and property of the whites, the members of these clubs did drill without guns in order that they might be the better prepared for an emergency in which they would be forced to contend with an armed mob imbibed and infuriated by the vile teachings of their leaders, who publicly declared to them that they would be justified in using the incendiary torch against their former masters. And in no instance did these clubs ever parade as an armed military organization.

The proof on this subject, afforded by a multitude of witnesses of the highest character and respectability throughout the congressional district who were active in the campaign and had every opportunity of knowing the truth, has not been and cannot be successfully assailed. Governor Hampton, in testifying, says truthfully, that the effort on the part of the democrats "was to make the campaign thoroughly conservative and conciliatory." He spoke in every county in the State, and saw no intimidation except that which proceeded from colored republicans, and was intended to prevent any of their fellows from voting with the democrats. He says, further, that "at no single meeting attended by me was there an armed organization of men." In his letter to the New York Tribune, dated November 2, 1876, published in the record of this case, (page 500,) he gives the true character of these so-called "rifle-clubs." "They are," says he, "neither more nor less than campaign clubs, moving and acting together for reasons such as prompted the organization of the 'Boys in Blue,' the 'Grand Army of the Republic,' or other kindred associations." He further declares in this letter that "during my canvass of the State I have not seen a single gun or saber in the possession of these clubs, and they have not carried any such at any meeting at which I have been present." They were called "rifle-clubs" in the proclamations; the colored voters heard them called "rifle-clubs" by their leaders, who understood better than they the political necessities of their party to have them so denominated, and so were prepared to see a rifleman in every man who wore a red shirt.

Much space is devoted by the minority in their report to the Timmonsville meeting, and much stress is laid upon the number of armed white men who attended this gathering, which, I believe, was the first political meeting held in the congressional district during the canvass, being about the last of August or first of September. The testimony of Colonel Law and others, however, shows very clearly that there was no military organization of white men present, but that there was an organized colored militia company there with arms. It seems that the understanding between the whites and blacks of the town was that there should be a joint discussion, and a number of democrats of the surrounding country, knowing of the armed militia and the incendiary character of the speeches made by Whittemore, of "cadetship" notoriety, who had exercised for years a most baneful influence upon the colored people of that county, determined to carry with them their private arms to the meeting. It was all very wrong on both sides, and thereafter less passion and better counsels prevailed with the whites, and no such occurrence on their part took place again, even under the strongest provocation.

But not so with the negro militia; they appeared time and again at their political meetings, with loaded guns and cartridge-boxes, and sometimes with fixed bayonets. At a number of the precincts on the day of the election they marched to the polls with guns in their hands, and stacked them or deposited them close by before depositing their ballots. I have not time now to cite the evidence on this point, but the record shows abundantly the illegal and improper use they made of the arms and ammunition with which the State had supplied them, both before and at the election.

Thus we have seen the unlawful and partisan agencies employed by the republicans to avert a political defeat which seemed inevitable. A republican governor, himself a candidate for re-election, (without the slightest degree of truth in the allegations made to warrant such action,) in violation of every right of a free citizen, virtually declaring the State under martial law; the whites disarmed while the negro militia, in the midst of a heated political contest, not only allowed to keep their rifles and muskets, but encouraged to use them, to menace the whites, and overawe and intimidate colored voters who simply desired to exercise their right of voting for the candidates of their choice; the polls surrounded by this militia, with arms in their hands; the precinct managers chosen, as it would seem, on account of their bitter partisanship, opposing with the authority

of their office the free choice of the voter; a host of supervisors who were themselves candidates upon the republican ticket for office, and having the strongest motives to secure their own election by any means, foul or fair; a republican deputy marshal appointed in violation of the law, guarding the pathway to every poll, backed by Federal bayonets in the exercise of his assumed and unlawful authority, and in the commission of his lawless acts; boards of county canvassers, who violate without hesitation the law and the sanctity which it had thrown around the ballots; and, last of all, a State board of canvassers, every one of whom are republicans, and a majority of whom are candidates upon the ticket of their party for high State offices, surrounded by a cordon of United States soldiers, declaring the result, in defiance of the mandate of a supreme court composed of republican judges!

And yet the minority in their report say the contestee was fairly elected, and mildly hint that the report of the majority is an effort on their part to induce their party associates in this Chamber "to expel from the House of Representatives" the contestee, who is "reflecting honor upon his race and creditably representing his constituency" upon this floor.

Mr. Speaker, I make no reflection upon the contestee, and cheerfully grant all that has been said in commendation of him by the distinguished gentleman from New York [Mr. Hirscock] in the report which he has presented. My feelings toward him are of the kindest nature, and, I trust, free from any prejudices against a people many of whose names and memories are hallowed by the sweetest recollections of my childhood, and many of whom have been the staunchest friends of my manhood. But questions of race or of the character or competency of the contestee or contestant to fill a seat in this Hall are not in issue here or now. The simple question to be determined is whether there was or not such a free and untrammelled expression of the will of the people at the ballot-box in the first congressional district of South Carolina on the 7th day of November, 1876, as will justify this House in validating or declaring the election void. Aside from all considerations of party fealty or party ties, I am convinced the calm judgment of members will satisfy them that the conclusion reached by the majority of the committee (after passing by numerous precedents established by republican Congresses which would have seated the contestant) is fully and abundantly sustained by the facts.

But, Mr. Speaker, the gravest feature in this contest, and the one upon which I desired to speak more at length than I can do now, without consuming more time than I am entitled to occupy, is the stationing by the President of armed soldiers at or near the places of voting on the day of election. Upon this ground alone, if no other reasons had been urged by the contestant or shown by the evidence, the seat of the contestee should be declared vacant. If, as was alleged, insurrection and domestic violence existed in this congressional district, then it would have been impossible to have had any proceeding which could be dignified with the name of an election, even with the active assistance of all the managers, supervisors, and deputy marshals who surrounded the polls, with the soldiers to aid them.

If there was no such condition of things, then the presence of the troops, secured in violation of law by Governor Chamberlain, to insure the success of the republican ticket upon which he and the contestee were candidates, should nullify the election. We have already shown, however, by incontestible proof, which might be augmented by the testimony of hundreds of other witnesses of both colors and of both parties, that no such condition of things as the governor and President affirmed in their proclamations existed in South Carolina in the summer or fall of 1876, but, on the contrary, that the courts were in the full and unobstructed exercise of all their rightful authority and that there was nowhere any armed body of white men which a constable, duly commissioned, could not have instantly dispersed or induced by a show of authority to submit to the demands of the law; that the only real apprehensions entertained by any one of even a violent breach of the peace arose solely from the imbecile and corrupt character of the State government and its inability or unwillingness to keep in subjection the lawless militia it had organized and equipped. If there was any evidence whatever (which I utterly deny) that could have justified the governor in calling upon the President for troops, I have never yet found any one, except Governor Chamberlain himself, who (pretending to have any personal knowledge of such facts) claimed that the Legislature could not have been convened and the requisition, if its members had thought it necessary, have been made upon the President in the manner prescribed by the Constitution.

I again assert, with the best possible evidence to sustain the truth of what I say, that the charges made in the proclamation of Governor Chamberlain constitute a base libel upon the people of the State, and were intended to bring about the very state of things which it declared already existed. It was a party necessity that a pretext should be created for the introduction of a large force of Federal troops into the State, who should be stationed on the day of election "in localities," according to a liberal and well-understood construction of the order of the Secretary of War to General Ruger, where they would best subserve the interests of the republican party. If, as is claimed in the report of the minority, the troops were used simply as a police force to preserve the peace at the polls and to secure the free exercise of the right of suffrage to every legal voter, why were none sent into the county of Georgetown whose people

alone requested their presence and where the facts show incontestibly that there was the greatest danger of a breach of the peace and the greatest necessity for the protection of this right?

Mr. Speaker, we have heard much said within a few days past (during the discussion of the Army appropriation bill) concerning the necessity of a well-organized and well-disciplined army, sufficiently large to give full protection to the people upon our frontier; and I fully agree that such an army is desirable and necessary. Neither have I complaint to make against it on account of its personnel. I know a number of its officers and have a great regard for them personally and honor them for their devotion to their country and for the heroic and distinguished gallantry with which they have always upheld its flag. But I cannot agree with those who justify the illegal use which has been made of the Army, and who would continue to make its officers and soldiers do police duty at the polls. Such a doctrine, in my judgment, is a most pernicious one, and fraught with the greatest dangers to our free institutions.

It is utterly opposed to all those notions of civil liberty which we inherited from the mother country; to the freedom of the ballot and to the spirit and letter of our fundamental law. We started on our career of independent government on the distinct basis that as long as the civil establishment can be maintained it must be absolute over the military. Among the most grievous complaints urged by our fathers in their famous Declaration of Independence is that which recites that the British government "has affected to render the military independent of and superior to the civil power." With the lessons taught them by the fierce struggles waged by their English ancestors for centuries against kingly prerogatives, our revolutionary sires had little confidence that the wisdom and integrity of mankind would, without positive restraints and prohibitions, secure the freedom of the people.

In framing our fundamental law, therefore, they made its authority supreme over all the agencies of the Government, defining their powers, enjoining their duties, and determining their jurisdiction. "They knew that power inclined to strengthen itself by exercise," and in authorizing the creation of an army and navy, they accompanied the authorization by every conceivable guarantee against an unlawful employment of either by any branch of the Government. Ours is pre-eminently a government of law, excluding every semblance of authority for the exercise of individual will and judgment on the part of the Executive. I am astounded, therefore, to find it stated in the report of the minority that the President "acted judicially and in the exercise of a wise discretion" in responding to the call made upon him by Governor Chamberlain for troops. By the Constitution all judicial power is "vested in one Supreme Court and such inferior courts as Congress may from time to time ordain and establish." The law is his only rule of action; to invest him with judicial powers or to allow him to "exercise a wise discretion" is to permit him to substitute his own judgment and will for the law. Such substitution is the very definition of despotism.

Mr. Webster, in speaking of the powers which under our system of government belong to the Executive, says:

Whatever government is not a government of laws is a despotism, let it be called by what it may.

And again discoursing upon the same subject this great statesman uses the following language:

Nothing can be more repugnant, nothing more hostile, nothing more destructive, than excessive, unlimited, and unconstitutional confidence in men; nothing worse than the doctrine that official agents may interpret the public will in their own way in defiance of the Constitution and the laws, or that they may set up anything for the declaration of that will except the Constitution and the laws themselves, or that any public officer, high or low, should undertake to call himself the representative of the people except so far as the Constitution and laws create and denominate him such representative.

With all the prejudice felt against a standing army, and the dangers apprehended from its existence by the founders of our Government, so eloquently and strikingly set forth by the distinguished gentleman from Maryland, [Mr. KIMMEL,] they never dreamed that any other use could be made of it consistent with the fundamental law they had established than that of repelling a foreign foe. Making the Executive Commander-in-Chief of the Army, they knew too well the frailty of human nature to intrust him with discretionary powers or to permit him to employ it for other purposes than those specifically named. It has been well said that—

The employment of the civil establishment, even through the most pliant of agents, was too cumbrous, heavy, and uncertain to answer the purpose of a usurper. There is always too much light in courts of judicature to render their employment in works of oppression either safe or effective.

On the other hand, says Hume:

An army is so forcible, at the same time so coarse a weapon, that any hand which wields it may, with dexterity, perform any operation and obtain any ascendant in human affairs.

The civil establishment represents the legal rights of the whole people; the military practically represents a faction. "It is the very law of faction." As an instance occurring in our own history, showing how jealous our people were at an earlier stage in our history in regard to any interference on the part of the military with the administration of the law by our civil tribunals, even in time of war, and how a great soldier was made to suffer for such an interference, I recall the case of General Jackson, who, while occupying the city of New Orleans with his military forces, refused to obey a command of

the judiciary and was fined for contempt, and like a true patriot, as he was, paid the fine. How unlike this are some more recent occurrences in the same city in time of peace?

In reply to that part of the report of the minority which declares "that nothing in the conduct of the troops" or "the fact of their being stationed" at the polls "influenced the electors to vote otherwise than as their judgments and consciences dictated," all I have to say is that such a declaration is an insult to the intelligence of this House. Without the evidence of a cloud of witnesses who testify to the potent influence this unnecessary display of force did exert, especially upon the more ignorant class of voters, we would have been compelled by our own reason and good sense so to conclude.

But, Mr. Speaker, I cannot abuse the courtesy of the House by pursuing the subject further. I trust I have said enough at least to cause members to consider the grave perils which threaten our liberties and free institutions by permitting a continuance of such abuses of power on the part of the Executive. More than a century ago the British Parliament declared:

That the presence of a regular body of armed soldiers at an election of members to serve in Parliament is a high infringement of the liberties of the subject, a manifest violation of the freedom of elections, and an open defiance of the laws of this kingdom.

Is it not more necessary in a Republic like ours, whose corner-stone is a "free ballot" that the "freedom of elections" shall be uninfluenced by the presence of armed soldiers? Commenting upon this action of the British Parliament Mr. Brightly, in his *Leading Cases on Elections*, says:

This is the mode in which our ancestors resisted such infractions of their political liberties. It is to be hoped there is still virtue enough in their descendants to follow their example.

Blunted as our sense of the great wrong may be by its frequent repetition, there is, I confidently believe, "virtue enough" left with the people to compel their public servants in the future to keep within the prescribed limits of that Constitution which their official oath requires them to uphold and defend. Fain would I believe that there is little danger of our again seeing a Legislature of a sovereign State expelled from the halls of the capitol at the point of the bayonet; or the members of a similar body in another State required to exhibit their credentials to a "corporal of the guard," who, backed by the power of the United States Army, thrusts aside a sufficient number of the chosen representatives of the people to give a legislative majority to a party which had been defeated at the polls. Fain would I hope that never again will the blush of shame be brought to the cheek or an indignant sense of wrong swell the heart of any American citizen by being compelled to walk beneath the crossed bayonets of the soldier in order to exercise his boasted right of suffrage. But we must remember that just in this way, by one encroachment after another upon the rights of the people, justified at first by specious pleas of necessity, do tyrants and usurpers when unrebuked and allowed to continue their disregard of law finally rob the people of their liberties and find their way to absolute dominion; that the most sacred rights once lost have been recovered only through revolutions and seas of blood; that it was after a struggle continued for six centuries the English people regained the rights which no one would have dared to call in question in the time of Saxon Edward the Confessor. We must never forget that "despotism made possible is certain."

Brazilian Mail Subsidy.

SPEECH OF HON. H. J. B. CUMMINGS, OF IOWA.

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 22, 1879,

On the amendment of the Senate to the bill (H. R. No. 6143) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes.

Mr. CUMMINGS. Mr. Speaker, I am heartily in favor of any measure which will tend to extend the commerce of the United States and open up a demand for the productions of the industries of our people, and I am certainly in favor of cheapening the cost of transportation between the producer and consumer, for while we are cheapening articles to foreign consumers we are at the same time adding to the profits of the home producer. I am also as decidedly in favor of encouraging the shipping interests of the nation, and trust the day will soon come when we may float our entire commerce in American bottoms. Certainly it were better that the results of American industry should reach foreign markets under the American flag, and it were well if our carrying trade was in the hands of our own people. I would, too, that American vessels could enter into competition for the carrying of other nations' exportations and importations. I am not at all certain that this desirable end can be attained without our rendering, as other nations have rendered, material and pecuniary governmental assistance. The stimulus and markets which would thus be added to our agricultural and manufacturing interests would

doubtless, and at an early day, leave us a large margin on the profit side of our profit and loss account.

But the question before us is: Will this amendment accomplish these results and do so without discrimination in favor of either particular ports or individuals; and is the amount proposed to be paid for carrying our mails to Brazil, the first purpose being to aid our shipping and commercial interests, above a fair and necessary amount? I cannot but think, and I shall not go into details, that the amount proposed is unnecessarily large; that the joining of the two routes in the manner provided in the amendment has much the appearance of log-rolling; that the particular requirements in the vessels to be employed look very much as if they were in some special interest; that the time limited for the letting of the contract has a tendency to prevent competition; and finally, that the term for which the contract is to be let is, as it seems to me, unnecessarily long. I cannot, therefore, vote for this amendment.

District Courts in Iowa.

SPEECH OF HON. H. J. B. CUMMINGS, OF IOWA.

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 22, 1879.

On the bill (S. No. 877) providing the times and places of holding the circuit court of the United States in the district of Iowa, and the appointment of an additional judge for said district.

Mr. CUMMINGS. Mr. Speaker, I asked leave to print in the CONGRESSIONAL RECORD certain remarks upon bill S. No. 877, for this reason: it is understood that the friends of the measure will endeavor to have the Judiciary Committee, to whom it was referred, report back the bill and move its passage under a suspension of the rules.

As such course prevents discussion or amendment, except by unanimous consent, which can hardly be expected, I have no other way than this by which to get the ear of the members of the House. I trust that what I would say will be read by them.

The bill, as it comes from the Senate, is in two sections—the second providing for the appointment of an additional judge. The Judiciary Committee—but not unanimously, as I understand it—have agreed to report the bill with the recommendation that the House agree to the first section with an amendment requiring that—

All issues of fact triable by a jury in the circuit court shall be tried in the division where the defendant, or one of the defendants, reside.

and that the second section be stricken out. For the convenience of members, I here give the bill as it passed the Senate:

A bill providing the times and places of holding the circuit court of the United States in the district of Iowa, and the appointment of an additional judge in said district.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the circuit court of the United States in and for the district of Iowa shall hereafter be held at the times and places provided by law for holding the United States district court in and for said district, and one grand and one petit jury shall be summoned and serve in both of said courts at each term thereof. Causes removed from any court of the State of Iowa into said circuit court within said district shall be removed to the circuit court in the division in which such State court is held, unless the parties thereto shall otherwise agree, or the court for good cause shall otherwise order. *Provided,* That all causes which may be removed from the district to the circuit court, either by appeal or a writ of error, shall be taken to the circuit court at Des Moines.

SEC. 2. The President, by and with the advice and consent of the Senate, shall appoint an additional district judge in and for the district of Iowa, who shall have the same salary as the present judge of said district. Either of the district judges of said district, separately or together, may exercise any of the powers or jurisdiction conferred by law on the district judge for said district, and may hold any term of the district and circuit courts of said district as provided by law; and said courts may sit at the same time in the different divisions of said district. But the district judge oldest in commission shall have the right to appoint the clerks of all district courts, and shall from time to time designate what court shall be held by the junior district judge.

It will be observed that the bill proposes that in the district of Iowa circuit courts of the United States shall be held in all the divisions and at all the places where district courts are now or may hereafter be held.

The State of Iowa constitutes a judicial district. Terms of the circuit court are held semi-annually at Des Moines, the capital of the State, where the Government has erected a commodious court-house for its accommodation. Terms of the district court in each of the four divisions are held semi-annually at Des Moines, Dubuque, Keokuk, and Council Bluffs, and bills are now pending before this House providing that additional terms of the court shall be held semi-annually at Sioux City, Iowa City, and Davenport.

If this bill should become a law there would be held annually in the district and State of Iowa eight terms of the circuit court, and if the other bills alluded to are enacted into laws, then there will be held in the State of Iowa each year fourteen—yes, fourteen—terms of the circuit court of the United States. Does not this bare statement alone convince the members of this House that the bill proposes what cannot but be not only expensive but unnecessary? I need not speak of new records, office furniture, and rented rooms for offices

and courts at these new points for holding the circuit court. The amendment to the bill strikes out the provision for the appointment of an additional judge, an appointment absolutely necessary if so many terms of the circuit court are to be held in Iowa. A single district judge cannot hold the proposed eight, not to say fourteen, terms of the circuit and district courts. *The bill even if amended as proposed will necessitate the appointment of a new judge at a very early day.* The House should fully understand this.

But why the necessity of these additional terms of court? The friends of the measure insist that the business of the court demands it. Let us see. The circuit court in Iowa is in session barely two months in a year. What amount of business does it transact; what amount did it transact during the last calendar year? I answer these questions by presenting the certificate of the clerk of the circuit court.

UNITED STATES OF AMERICA,
District of Iowa.

I, Ed. R. Mason, clerk of the circuit court in and for said district, hereby certify that the total amount of judgments and decrees rendered in the circuit court of the United States for the year ending January 1, 1879, was \$383,649.80; that the number of law actions commenced during the year 1878 was 143; the number of law actions disposed of, 130; number of equitable actions commenced during said year, 194; number disposed of, 185.

That during the nine months immediately preceding the 1st of May, 1878, there were commenced 110 suits to foreclose mortgages; that during the nine months immediately following there have been commenced 37 suits to foreclose mortgages.

Witness my hand, the seal of said court, this 21st day of January, 1879.

[SEAL.]

ED. R. MASON, Clerk.

This certificate shows that the total amount of decrees and judgment rendered during the entire year of 1878 was but \$383,649; and as a matter of fact more than one-half of that sum was rendered upon defaults, taking almost none of the time of the court. This does not indicate that the business of the court either demands more terms or other places for its holding; nor does the certificate show an increasing docket. During 1878 but thirteen more law actions were commenced than disposed of, and but six more equitable actions were commenced than concluded, and this is easily explained. Mr. Justice Miller makes it a rule to attend the May term of the court, but was prevented by sickness from being present at the May term, 1878. Again, during the nine months preceding May 1, 1877, one hundred and ten suits to foreclose mortgages were brought against but thirty-seven in the succeeding nine months. This decrease will continue, and was caused by the decision of the Supreme Court that the right of redemption existed under foreclosure sales in the circuit court, the circuit court having before such decision held that such right did not exist. A printed argument in favor of the passage of this bill, which has been laid upon the desks of the members of this House, states that during the four years ending July 1, 1877, the judgments and decrees rendered by the circuit and district courts of Iowa amounted to \$20,486,350.12—an average of over \$5,000,000 a year. If the courts could in the years should do this amount of business, cannot the circuit court do even more than the \$383,000 it is now called upon to do?

The enumeration already given of cases brought in this court includes appeals in bankruptcy, and this class of cases has nearly reached its end. There are valid reasons for the assertion that the work and labors of the court will steadily decrease. Then why more places for holding court and why more terms of the court?

Another objection to the passage of the bill lies in this fact: it overturns the whole theory of the circuit court. Presumably clients are entitled not only to the legal knowledge of one appointed for his supposed especial fitness for the circuit bench, but to have upon that bench for consultation and safety a judge of the supreme court and a judge of the district court also—certainly two, if not three, judges. Enact this bill, and only that small portion of the State embraced within the limits of the division of Des Moines can, save in appeals from the district court, ever have the supreme judge presiding over the court. The circuit courts of Dubuque, Keokuk, and Council Bluffs, to say nothing of Sioux City, Iowa City, and Davenport, will never have the presence of either the supreme or circuit judge. This will be admitted when it is remembered that the circuit of Judge Dillon includes the States of Iowa, Minnesota, Nebraska, Kansas, Arkansas, Missouri, and Colorado. Shall we then have circuit courts where it is known that it is impossible for a circuit judge ever to be present? And yet this is insisted upon.

But it is said this setting the circuit court upon wheels will bring it nearer litigants, and so lighten the expenses of litigation to parties in court. There is a better way. Restrict the jurisdiction of the Federal courts, and thus send parties to the State courts. They can get justice there, and can get it still more cheaply and expeditiously. This bill will require defendants living within fifty miles of Des Moines to go by circuitous and inconvenient routes more than three times that distance to Dubuque or Keokuk.

There is still another reason why this bill should not pass. Under the law a judgment of the circuit court is a lien upon the real estate of the defendant wherever situate in the State and district of Iowa. Will you impose the necessity upon our people in procuring every abstract of title and making every purchase or mortgage of land not only to examine the records of the county but of the circuit court at Des Moines, at Dubuque, at Keokuk, at Council Bluffs, and possibly at Iowa City and Sioux City and Davenport? Certainly this House will not make this necessary.

Then, shall we pass this bill when we do not have an overburdened docket; when the business of the court is materially decreasing; when

it deprives parties of the right to be heard by more than a single judge; when there is a better way to bring the court nearer the people; when it will make necessary a new judge; when it will add, and cannot but add materially, to the expenses of the courts in Iowa; when it increases the expense and inconvenience of the people in their real-estate transactions, and thus brings delay and annoyance in matters of business? I hope not.

I need hardly say that Des Moines is the proper place for holding the circuit court. It is the capital of the State; it is in the central part of the State; it is convenient of access by rail from all parts of the State; it possesses a suitable building for holding the court, built by the United States for that purpose; the large law library of the State is located at Des Moines. These and other reasons point to it as the proper location of the circuit court.

I trust the House for the reasons I have given, and for many others which might be stated, will refuse to pass the bill which is before it. An entire revision of the court system of the country will doubtless soon be effected; let the circuit court in Iowa remain as it is until that day.

Chinese Immigration.

SPEECH OF HON. A. W. CUTLER,

OF NEW JERSEY,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, March 1, 1879,

On the bill (H. R. No. 2423) to restrict the immigration of Chinese into the United States.

Mr. CUTLER. Mr. Speaker, I voted against this bill when it was passed by this House, also against the same bill when it was returned to the House with the Senate amendments, and shall vote against it again, it having been returned to us with the veto of the President.

I remember that during the last session of this Congress we appropriated \$5,500,000 to pay the fishery award, and yet there was scarcely a Representative on this floor that believed that the claim was founded in justice or in right and therefore should not be paid; and we might have justified our refusal to make the appropriation upon the ground that we were not legally liable, as the award had not been signed by all the arbitrators, only by a majority.

But we all felt that the honor of the nation was at stake, and that good faith and national honor demanded that the appropriation should be made, and we believed that our refusal to abide by that award would be considered by the nations of the world as unworthy of us as a people, and we would enjoy the unenviable reputation among them as a nation refusing to carry into effect its plighted faith, and we made the appropriation and placed the same at the disposal of the Executive, and thus saved our character and good reputation.

But now how different! Then we refused to break an agreement. Now we trample under our feet and tear to shreds a solemn treaty. True, the agreement was with a powerful nation, strong in its people, its intelligence, its navy and its army, wielding an influence and power among the nations of the world equal with ours. And yet it is mournfully true that the treaty is with a nation numerically strong but weak in its people, in its intelligence, in its army and in its navy, and without influence comparatively and necessarily among other nations. With the strong we were magnanimous; with the weak, to say the least, we are ungenerous.

China never desired to enter into treaty relations with us, but weakness gave way to power, ignorance bowed submissive as ever it will to intelligence, and a treaty was made with that people, and under the power and force of our influence she opened her ports, and we sought, demanded, and secured commercial relations with them and the action of the Government received the approval and approbation of all of our people.

And now at this time, when in a season of great depression, with trade and business stagnant, with our people out of employment, our mills, mines, furnaces, and forges idle, our mechanics vainly seeking work, we are anxiously seeking new channels of trade, desirous to find new and foreign markets for the sale of the products of our land, our mines, our mills, and our factories, and when, after years of effort and in the sharp competition of trade with other nations, we have succeeded in building up a large trade with China, a trade increasing every year, competing successfully with English manufacturers, and in fact in many instances driving their goods out of the Chinese market, because of the superiority and cheapness of ours, or in other instances actually compelling the English manufacturers to sell their goods under American trade-marks, and at such a time as this we are by this act shutting up the ports of a populous country and compelling them by our breach of faith and abrogation of treaties to withhold further business and commercial relations with us, and by the passage of this bill drive them to make their further purchases of goods and machinery from and of our English neighbors and competitors; and, what will more materially injure us, compel them to become their

own manufacturers and producers. And the following telegraphic dispatch carries a world of meaning and warning:

CHINESE ENTERPRISE.

LONDON, February 22.

A dispatch from Shanghai says that the Chinese government is establishing extensive cotton-mills.

And should make the cotton growers of the South, the manufacturers of the North, the ship-builders of the East, the producers of the West, and the miners of the Pacific slope to solemnly ponder and reflect what will be the consequences of the passage of this bill.

Our exports to China are large and constantly increasing; and Rev. Joseph Cook, who has given great attention to this subject, in a recent article says:

Statistics show the exports from New York to Shanghai, from January 7 to 22 inclusive, to have been \$627,918. At this rate our exports for 1879 will amount to nearly \$14,000,000. The exports from the United States to China, exclusive of silver, which is a product of the earth, was in 1876, \$4,392,555; 1877, \$5,632,272; 1878, \$6,016,543. The silver exports in 1876 were \$10,918,967; 1877, \$17,601,274; 1878, \$11,682,332. We are just entering upon a new era with the empire of China. After long waiting, we are now gradually overcoming the prejudices of her people, acquiring their confidence, and making our way into their domains. China has for the first time accredited a resident minister at Washington, and now, by our own mistake, shall we shut the door it has taken so many years to open?

But independent of the question of bad faith in breaking treaties, and holding ourselves up to the criticism and stricture of the civilized world, we are reversing the proud history of our past. We have heretofore invited all to our shores; we have been the asylum of the oppressed of every land, and have extended our invitation to all of every hue and caste, of every tongue, condition, race, and color, "to come and sit under our vine and fig-tree," and enjoy the home, shelter, and protection afforded by our Government, until now we close our ports and say to one people you shall not come. And what the reason assigned; what the justification offered? Simply that we are in danger of being overrun by this people; and yet statistics show that this fear is groundless. From careful estimates compiled by Elliot C. Cowdin, of New York City, I take the following:

As to the enormous immigration the official records of the San Francisco custom-house show that of all the Chinese who had arrived in California for the twenty years ended July 1, 1878, nearly three-eighths had returned to China, and that the total number remaining at that time on the Pacific coast was less than sixty-five thousand. Since that time the reports of the United States Bureau of Statistics indicate that not more than forty-eight thousand, at a liberal estimate, have been added to that number if we allow the same percentage as in previous years for their returning. According to these figures it is difficult to see how there can be, on the whole Pacific slope more than about one hundred and thirteen thousand Chinese, scattered through all the States and Territories of that vast region.

And now they are more rapidly departing from our shores than they are arriving, and the following table shows the exact number of Chinese coming and going from our shores for the six months ending with December last:

Date.	Name of vessel.	Number of Chinese coming.	Number of Chinese leaving.
July 20, 1878.....	City of Tokio.....	258.....	.....
July 29, 1878.....	Gaelic.....	207.....	.....
August 1, 1878.....	Belgie.....	.....	311.....
August 17, 1878.....	Gaelic.....	.....	247.....
August 24, 1878.....	China.....	112.....	.....
August 31, 1878.....	City of Tokio.....	.....	269.....
September 1, 1878.....	Oceanic.....	222.....	.....
September 17, 1878.....	Oceanic.....	.....	591.....
September 19, 1878.....	City of Peking.....	143.....	.....
October 10, 1878.....	Belgie.....	247.....	.....
October 14, 1878.....	City of Peking.....	.....	537.....
October 24, 1878.....	Belgie.....	.....	797.....
October 31, 1878.....	Gaelic.....	257.....	.....
November 13, 1878.....	City of Tokio.....	172.....	.....
November 16, 1878.....	Gaelic.....	.....	905.....
November 20, 1878.....	Oceanic.....	192.....	.....
December 3, 1878.....	City of Tokio.....	.....	709.....
December 10, 1878.....	City of Peking.....	145.....	.....
December 15, 1878.....	Oceanic.....	.....	260.....
Total.....	.....	1,955.....	4,646.....

Let us not then in this case reverse the "proud history of the past," let our reputation as a "treaty-observing nation" be as pure as Caesar's wife and above suspicion; let our flag, upon whatever ocean and whatever waters carried, still remain the "emblem of freedom," inviting all of every clime to our shore; let it be the herald, the *avant-courier* advancing with the "olive branch" offering "peace and goodwill to all," with the open hand of friendship inviting every nation to closer alliance with us in trade, commerce, and business relations; and let our offer of peace and friendship to all nationalities be so heartfelt, free, frank, and generous that every nation will gladly welcome our flag to its shores, recognizing it as a friend, and thus through its power and influence bring our language, our customs, our industry, our education, our books, our integrity, our machinery, our products, our silver, and our other precious metals into general and universal use among all the people of the world.

And now I will read the preamble and resolution of the Chamber of Commerce of New York, a body composed of men of acknowledged talent, intelligence, patriotism, and business ability:

Whereas an act "to restrict the immigration of Chinese to the United States" has passed both Houses of Congress and now only waits the signature of the President to become a law; and a meeting of this chamber has been called to take such action as may seem to be proper with reference thereto:

Resolved, That, in the judgment of this chamber, the bill above referred to antagonizes the letter and the spirit of the treaty now existing between China and our own country, and that the infraction of a part by either of the contracting parties equally invalidates the whole of said treaty.

Resolved, That this chamber deprecates the proposed law "to restrict the immigration of Chinese to the United States," as establishing a bad precedent; as an unworthy political concession to the lawless spirit of a single State, under whose laws the subjects of China have enjoyed neither peace nor safety; as tending to degrade the national character in the sight of all other nations; as calculated to imperil the life of the missionary, and to impair the value of his teachings; as exposing the merchant in his dealings to the consequences of public dishonor; and, finally, as presenting the hasty action of our congressional body in sorry contrast with the more cautious and dignified wisdom of the heathen empire.

In view of these and other considerations of lesser moment affecting our commercial relations, the possible, if not probable, discontinuance of steam communication across the Pacific, this chamber would respectfully and earnestly invoke the President of the United States to withhold his signature from the bill.

Let us be the proud example, that we use our power for the good, the welfare, and the prosperity of all the nations of the world, and with our flag we will carry to them advanced ideas of peace, good works, civilization, education, and Christianity, so that all nations will consider us their friend, and say of us "She never breaks contracts nor abrogates treaties," and we will then have arrived at that zenith of power when all nations will look to us for advice and suggestions, the same as of to-day. When Japan desired a commissioner of education we sent them the accomplished Murray, who is to-day impressing that interesting people with American views and systems of education; and when she asked for an experienced agriculturist we named the practical and experienced Capron, who has introduced American ideas and systems of agriculture, with improved American agricultural implements and machinery, and has developed the agricultural resources of that country.

If, then, we cling to the history of the past, follow the beaten tracks of our forefathers, "stand fast by treaties, observe contracts, and religiously fulfill national obligations," our flag will be welcomed on every shore, revered by every people, and the name "American" will be a passport to and protection in every clime, and the exclamation, "I am an American citizen," will be as potent for good and as much a protection from insult and injury as in the palmy days of the Roman republic, when she was the mistress of the world; the mere utterance of the talismanic words, "I am a Roman citizen," was his passport in every nation and his perfect protection from injury in every place.

Shall American Commerce be Preserved and American Ship-Building Encouraged?

SPEECH OF HON. WILLIAM WARD.

OF PENNSYLVANIA.

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 22, 1879.

On the amendment of the Senate to the bill (H. R. No. 6143) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes.

Mr. WARD. Mr. Speaker, the presentation of the question now before the House is briefly as follows: The empire of Brazil is a neighbor, as far as distance is considered, but in point of fact as distant as the poles. With a population of twelve millions, governed by a friendly sovereign anxious to cultivate intimate relations with America; and yet as foreign and inaccessible as if a wide sea of fire rolled between us. We need everything Brazil produces. We produce everything Brazil needs.

The following figures show the amount of general imports and exports of Brazil from 1870-71 to 1875-76:

Imports.....	\$471,570,859 50
Exports.....	577,041,492 00
During that time the imports of the United States from Brazil amounted to.....	274,148,500 00
And the exports of the United States to Brazil amounted to only.....	48,853,555 00
The trade for one year, 1875; was—	

	Value.	U. S. vessels.	Foreign vessels.
Imports from Brazil.....	\$42,033,046	\$17,442,649	\$24,590,359
Exports to Brazil.....	7,634,869		

Leaving a balance of trade against the United States amounting to about \$34,500,000; and showing that the best part of our own business is done by foreign ship-owners.

A late report contains extracts of Brazilian trade statistics show-

ing the percentage of imports from and exports to other countries, as follows:

Countries.	Imports.	Exports.
Germany	5.21	3.43
United States	4.57	20.90
France	19.49	13.46
Great Britain	52.47	45.30
Portugal	5.01	4.73

And while the Brazilian trade with Europe has been all the time increasing, that with the United States had suffered in proportion until the establishment of the American line last year.

Let us see what articles Brazil imports, and what proportion is derived from the United States. Among the imports for one year were the following:

Articles.	Total.	From United States.
	<i>* Milreis.</i>	<i>* Milreis.</i>
Boots and shoes	1,978,979	2,877
Cod and other fish	1,714,703	74,929
Butter	2,115,414	13,316
Cheese	635,481	1,074
Flour	4,257,331	2,880,439
Straw hats	606,396	2,207
Coal	5,537,405	197,582
Earthenware	1,037,334	65
Iron and steel	981,427	522
Iron and steel rails	245,452	5,345
Other manufactures of iron and steel	2,818,367	60,617
Agricultural implements, machinery, &c.	2,374,736	268,688
Cotton, cotton fabrics, and clothing	41,858,359	409,112
Paper for printing, writing, walls, &c.	1,376,426	84,828
Wool, woolen fabrics, clothing, &c.	10,337,409	978

*Two milreis equal one dollar in American currency.

Thus of the products and manufactures which we can supply most cheaply and plentifully, Brazil buys most largely in Europe, simply because of the great superiority of commercial facilities.

The extent to which almost every section of the United States would be benefited by this trade is shown by a table recently prepared by the chief of the Bureau of Statistics at Washington. It is as follows:

Flour and other breadstuffs.
Lard.
Beef, pork, bacon, hams, and other provisions.
Cheese, the production of Ohio chiefly.
Butter, the production of Ohio and other northwestern States.
Agricultural implements and machinery, made in Ohio and Illinois chiefly.
Furniture, manufactured in Cincinnati, Saint Louis, and other towns.
Watches, manufactured in Illinois.
Glass and glassware from Pittsburgh, Wheeling, and other towns on Upper Ohio.
Iron and steel, and manufactures thereof, including nails, from Pittsburgh and other towns on the Upper Ohio.
Lumber, from Louisiana, Mississippi, and Florida.
Railroad cars, from Ohio, Illinois, and other northwestern States.
Tar and pitch and spirits of turpentine, from North Carolina, would probably go, to some extent, via New Orleans.
Paper and paper-hangings, to some extent.
Besides the above the following would, to a small extent, be exported via New Orleans: Boots and shoes, clothing, cotton and woolen goods, harness, cigars, snuff, &c.

Why are these rich fields closed to American industry and left the main prize of our great rival, England? A report of recent date on file in the State Department from the consul-general at Rio Janeiro, gives the answer in stronger terms than my own:

During the present year (1878) regular steam communication between the United States and Brazil has been reopened by a line of splendid ships built by Mr. John Roach, at Chester, Pennsylvania. The vessels of this line are advertised to make the voyage from New York to Rio de Janeiro, via St. Thomas, Pará, Pernambuco, and Bahia, in twenty-four days, but they do not always consume that much time on the voyage.

The good results arising from easy and safe communication within a definite and short time are already apparent.

Numbers of our business men come to Brazil on each vessel of the new line,

either to establish mercantile houses, to introduce the novelties of our workshops, or to acquaint themselves with the country, its wants and modes of business. Especially is this the case with the representatives of our various industries in iron, who, from the agents of our great locomotive-works to those who show samples of the numerous small articles known to the hardware trade, have made their appearance here, and in several cases have taken large orders for their goods.

If this line should become permanently established it cannot fail to have a good effect on our export trade, for dealers here may then order goods from the United States with almost a certainty of receiving them twenty-four days after shipment at New York; whereas, under former circumstances, a ship might make a very good voyage and land a cargo within forty days; but during several months of the year there would be an equally strong probability that the voyage would occupy from fifty to eighty days.

Such uncertainty is injurious to business, and it is owing to this fact that many articles of our manufacture which here secured a sale have in the past reached this market via England, paying a commission to the merchant there, through whose hands they passed.

It is understood that the Brazilian government has agreed to pay a small monthly subsidy to the new line of American steamships, with the expectation that the Congress of the United States would render equal aid to the enterprise.

Many business enterprises, which must depend largely for their success upon facility of intercourse with the United States, have been commenced here by our countrymen, and many others have been projected but are held in abeyance, awaiting the course of events to decide whether they shall be urged forward or dropped.

While the failure of this line would not lessen the exports from this port to the United States, it would undoubtedly be very prejudicial to the growth of our export trade to Brazil.

The wisdom of our legislators will, it is to be hoped, avert such a calamity as the withdrawal from this trade of the United States and Brazil mail steamships.

In addition to the foregoing the Allan line, of Glasgow, recently sent a steamer to this port and the River Plate, (Rio de la Plata,) and the North German Lloyds have dispatched two steamers to New York from this port, but whether these lines will establish a regular service is not yet known.

The Liverpool, Brazil, and River Plate Company, from which the American line will meet the greatest opposition, has a fleet of thirty-eight steamships, with a total tonnage of 62,561 tons.

Having no mail contract, excepting the Belgian service, these steamers are able to go where and when business offers, and are thus able to accommodate their service to the state of the market and the wishes of shippers.

During the year ending June 30, 1878, 63 steamships of this line entered this port with cargo, and 81 cleared for various ports, 28 of which sailed for the United States.

Mr. Speaker, I ask any member here whether he can look without a feeling of shame on this pitiable showing of America's two ships among the numerous fleets that float the flags of other nations in Brazilian ports. And how have foreign powers maintained their hold of this vast trade? By giving aid to steamship lines. And if we look at the amounts which other governments have paid and pay to-day to support steamship lines, it is not surprising that an American steamship in foreign ports should be a matter of curiosity. A naval officer the other day stated, at a banquet given in New York by the Chamber of Commerce, that one day in the port of Rio de Janeiro he counted forty-six steamships, English, German, Italian, French, but not one which bore the American flag. In 1876 not a single vessel cleared from the port of New Orleans for the port of Rio de Janeiro, although we imported in that year over \$6,000,000 from Brazil, which came mostly in British bottoms. England, in 1871, paid for steamship subsidies, \$6,000,000; and as fast as her steamship lines become self-sustaining, of course, the amount of these subsidies is gradually decreased, so that in 1876 she paid \$4,420,000 to subsidized steamship lines. France, in 1877, paid to steamship lines at the rate per mile of 31 francs and 85 centimes, which makes \$6.37 per mile which France paid to her subsidized lines. I have a list of the subsidies paid by other countries per mile.

	Round trip.
Belgium—Antwerp, Brazil, and La Plata	5,236f.
Antwerp, New York, and Philadelphia	15,042f.
France—Mediterranean, (various ports)	8,124f.
Havre, New York	14,294f.
Antilles and Mexico	179,275f.
Indo-China	12,461f.
Great Britain—Peninsular and Oriental Steam Navigation, England, Mediterranean and Indo-China	\$19,433
Halifax, Bermuda, and St. Thomas	23,071
Cape Good Hope and Zanzibar	1,454
Aden and Zanzibar	1,041
Italy—Indo-China	5,736f.
Venice and Alexandria	4,013f.

I have copied a table showing the policy adopted by foreign nations in aid of the development of commerce, as follows:

Subsidies paid by the French government for maritime mail services.
(From official contracts, translated and compiled to date, September 1, 1877.)

Service.	Steamship company.	Dates of contract.	Number miles per annum.	Subsidy per annum.	Rate per mile.
Japan, China, and India	Campagne des Messageries Maritimes ...	July 22, 1864, to July 21, 1888	225,844	Franks.	
South America	Campagne des Messageries Maritimes ...	July 22, 1861, to July 22, 1888	99,532	3,644,000	37.96 f. or \$7.50
Mediterranean	Campagne des Messageries Maritimes ...	Oct. 1, 1851, to July 22, 1888	146,533	4,382,253	36.60 f. or \$7.32
Mediterranean	A. & L. Fraissinet & Co.	Aug. 1, 1873, to July 31, 1883	36,018	375,000	29.90 f. or \$5.98
West Indies, Mexico, &c.	Campagne Générale Transatlantique ...	July 22, 1865, to July 21, 1885	128,400	3,953,257	10.40 f. or \$2.08
United States	Campagne Générale Transatlantique ...	July 22, 1865, to July 21, 1885	82,666	2,361,348	28.56 f. or \$5.71
English Channel	Société Générale pour le développement du Commerce et de l'Industrie en France.	Oct. 1, 1872, to Sept. 30, 1884	5,353	100,000	22.56 f. or \$4.51
Total amount paid yearly by France, per contract			734,388	23,388,892	*31.85 f. or \$6.37

*Average.

Great Britain has divided in subsidies among twelve lines, within the last decade, in large and small sums, the following amounts yearly, namely:

Year.	Total amounts.			United States gold.
	£	s.	d.	Dollars.
1866	845,403	13	0	4,227,018
1867	815,993	13	9	4,079,966
1868	808,517	13	8	4,047,586
1869	1,096,338	0	6	5,481,690
1870	1,221,552	9	11	6,107,761
1871	1,214,148	12	4	6,070,741
1872	1,138,700	0	0	5,693,500
1873	1,133,057	17	9	5,665,296
1874	1,139,469	19	8	5,697,346
1875	972,000	0	0	4,860,000
1876	884,054	3	4	4,420,261

We must meet the simple issue: Shall America stand, with folded hands, lose this rich commercial harvest, and suffer this national disgrace, by refusing to follow the example of our rivals? It is a delicate sensibility that allows the cry of "subsidy" to drive us from adopting the same means that England, France, and Germany have been following for centuries, and thereby commanding and maintaining the commercial supremacy of the world. I agree with the distinguished gentleman from New York, [Mr. HEWITT,] that American ingenuity and energy can make their way, unaided, over almost any obstacle and against almost any odds. But no amount of vigor can break down the systems that have been the growth of ages. Gentlemen say "subsidy" and "monopoly" against this measure. Do they forget the subsidies and monopolies of England and France? We must fight these with their own weapons, and aid our commercial marine as they do.

Further, Mr. Speaker, I take direct issue with the gentleman from New York, [Mr. HEWITT,] that the merchants of his own great city do not desire Government aid for this Brazilian line. I talked last night with a very intelligent New York merchant in the iron trade. He stated to me that his business had felt sensibly the invigorating effect of the new line even for the short time it had been established. He was receiving orders from Brazil, a new feature in his experience, and every vessel brought about fifty passengers, each one of whom expended an average of \$1,000 in the United States. Another fact: In the same period our trade with Brazil has increased about \$9,000,000. Among the exports are ninety-four thousand barrels of flour, principally from the West; and I am credibly informed that during the next six months, two hundred wooden houses will be exported to Brazil, constructed of lumber brought from the Williamsport district of Pennsylvania and the Saginaw district of Michigan. Every ship that goes out carries eighteen hundred tons of coal from the mines of my own State. It cannot be doubted that the aid extended by this bill would yield a tenfold return.

Mr. Speaker, there is another consideration of national importance. The Emperor of Brazil has evinced a friendship for America never experienced from any other sovereign. He has extended toward us the hand of friendly intercourse, and agreed to pay part of the expense for establishing intimate commercial relations. Shall we reciprocate, show less public spirit than the foreign monarch, and rudely throw back the friendly overture?

Mr. Speaker, gentlemen opposed to this measure may think they find some argument in holding up John Roach here to unfavorable comment. Let me tell them that therein "they miss the mark." John Roach deserves well of the American people. More than any other man, have his exertions and sacrifices saved American commerce from total extinction. Not resting, as he might have done, in the quiet and repose of well-secured and profitable investments, he has given a life-long, active service to the great work of reviving American commerce, and has kept his earnings and savings in the busy channels of active industry. He is the man who, single handed, wrested from the English their mail contract with the Brazilian Emperor, and in the harbor of Rio ran the Stars and Stripes up to the mast-head, where none but the Union Jack was seen before.

Show me the peer of John Roach in this respect, and not till then will I turn aside to answer these unfair criticisms. One point more. The passage of this amendment will at once stimulate our ship-building. Those whose hearts warm toward the workingman will find an opportunity for practical effort as well as profession, because in no other mechanical production as much as ship-building do the elements of labor and wages enter so largely. In the two vessels now engaged in the Brazil trade, costing about \$500,000, the labor item was at least \$400,000.

Here, then, are the alternatives. A new world within our reach, opening inviting markets to the admitted overproduction of this land, the very means employed being such as will stimulate one of our greatest industries, employing large numbers of working people. Let the Congress of the United States decide this day whether prejudice and narrow-minded policy shall leave the commerce of Brazil in foreign hands and forever hereafter close her ports to American shipping and citizens.

Homesteads to Actual Settlers.

SPEECH OF HON. THOMAS EWING

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Monday, January 27, 1879,

On the bill of Mr. WRIGHT, of Pennsylvania, (H. R. No. 110.) entitled "An act supplemental to an act to secure homesteads on the public domain," approved May 20, 1862.

Mr. EWING. Mr. Speaker, the bill under consideration appropriates \$10,000,000 to promote settlements on the public lands. It provides that any person entitled to the benefits of the homestead law may select a quarter section of public lands for a homestead, and on proof made to the register and receiver of the proper land office that he or she is not the owner of property in excess of \$300 shall receive a loan of \$100 from the Treasury; and in thirty days thereafter, on proving that the first \$100 received was duly expended in improving the tract selected, shall receive a further loan of \$100; and so on each month until the aggregate of such loans shall reach \$500. The whole to be repaid to the Government in five annual installments, commencing five years from the date of the first loan of \$100, and bearing interest at 3 per cent. per annum; for which repayment the land is to be held as security.

Though sympathizing most heartily with the appeal of my honored friend from Pennsylvania [Mr. WRIGHT] in behalf of the unemployed wage-men of the country, I cannot vote for this bill. It contains no adequate safeguards against frauds, or to prevent its benefits being wholly obtained by a small class of our people now living on the frontier. And as it is now offered under a motion to suspend the rules no opportunity is given to amend it. Were it to become a law as it stands the scamps and loafers who infest the new States equally with the old ones would be the first to rush to the land offices and make oath that they have selected homesteads, and thereupon each would pocket \$100 of public money. That would be the last that would be heard of them, unless they made the circuit of the land offices, making new affidavits of settlements and receiving new loans; or unless they obtained further installments of loans at the office first applied to by means of false affidavits of expenditures in improvements. The land officers could have no means of knowing whether improvements claimed were actually made on tracts situated perhaps one, two, or three hundred miles from their offices, or of discriminating between bona fide settlers and mere bummers and repeaters.

There are probably two or three millions of poor people scattered over our country who would like to make homestead settlements and avail themselves of such a government loan. It would take from a thousand to fifteen hundred millions of dollars to give each a loan of \$500 from the public Treasury. Our condition of national indebtedness and taxation makes so large a loan utterly out of the question. Then why adopt a petty and partial measure of relief to be scrambled for with the certainty that the purpose of the law will be grossly abused, and that not one out of a thousand of those who need the help can have any share of the small sum proposed to be appropriated. Scarcely any but men who are already on the frontier could obtain any part of the \$10,000,000 which would be taken up before persons in the older States could arrange their affairs and move to the public lands for settlement. Hardly a man among the distressed populations of the manufacturing States would get any advantage from it, though tens of thousands would be lured away after the Jack-O'-lantern only to be plunged in a distress among strangers far deeper than that they now endure among friends.

Besides, Mr. Speaker, this is not the way to give relief to the workmen who suffer from the distressing and long-continued prostration of our industries. We do not want to entice mechanics, miners, and furnace-men from their eastern homes to the remote frontier without experience or capacity to earn a living there by agriculture. The country does not need a special stimulus to farming, which already employs its full proportion of our population, but it does need measures which will allow our industries generally to revive and prosper, giving full employment and good wages to men in all the diversified pursuits to which they are accustomed. Our industries have been prostrated by a series of finance measures which have broken down the prices of labor and property and robbed laborers of steady employment. Relief is to be had by reversing this finance policy, by distributing fairly the burdens of government between labor and capital, by the unlimited coinage of silver, by abandoning gold redemption and putting in free circulation our now hoarded paper currency, thus restoring the prices of labor and commodities to an extent which justice to debtor and creditor demands, and calling into active employment all the industrial forces of our people. When that is done men who now suffer from want of full employment or fair wages can without aid from the General Government find a field and a recompense for their labor at the forge, in the mine, on the seas or the plains, wherever they are best fitted to perform their parts in the industrial development of our race.

Election of President and Vice-President of the United States.

SPEECH OF HON. C. H. BROGDEN.

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 14, 1879.

On the proposed amendment to the Constitution of the United States prescribing the mode of election of President and Vice-President.

Mr. BROGDEN. Mr. Speaker, the history of the elections for President and Vice-President of the United States shows conclusively that our electoral system is peculiarly open to fraud and misrepresentation. Experience has shown its defects and imperfections, and it has no intrinsic merit or value to commend it to the favor and support of the American people.

The committee of which I am a member have had the subject under consideration, and a majority were of the opinion that our electoral system ought to be altered or abolished. A majority of our committee have reported a constitutional amendment, which provides for the election of President and Vice-President by a direct vote of the people and for securing to all voters in said elections equal political power in proportion to their numbers.

I think the people ought to have the right to vote directly for President and Vice-President, and should not be required to vote for electors, who in times of high political excitement may be swerved from the line of duty and fidelity, and through mercenary or other considerations induced to betray the trust and misrepresent the wishes of those who voted for them. As long as the people vote for electors for President and Vice-President, instead of voting directly for the men of their choice, they may be imposed on and deceived by corrupt and faithless agents.

If the people were allowed to vote directly for President and Vice-President, there would be no chance to cheat them out of their votes by the fraud, trickery, or bribery of presidential electors.

Not only have the reasons failed which were originally urged in favor of the electoral system, but difficulties have arisen unforeseen and unprovided for, which have put us in great peril more than once.

The Government has no sufficient remedy for failure to appoint electors, nor for their failure to act, nor for fraud in the election; and there is no mode for contesting elections for electors. If they are chosen on a wrong day or at a wrong place, if they vote on the wrong day, if their certificate is defective, if their vote be cast before the State is in the Union, if there are conflicting certificates from the same State, if the persons voted for were not citizens, if the electors were officers of the Government, if a certificate contains too many electoral votes—for none of these cases has any express provision been made by law.

President Jackson saw the evils of our electoral system, and in his first annual message to Congress recommended an amendment to the Constitution providing for the election of President and Vice-President by a direct vote of the people. In that message General Jackson said:

I consider it one of the most urgent of my duties to bring to your attention the propriety of amending that part of our Constitution which relates to the election of a President and Vice-President. Our system of government was by its framers deemed an experiment, and they therefore consistently provided a mode of remedying its defects. To the people belong the right of electing their Chief Magistrate; it was never designed that their choice should in any case be defeated either by the intervention of electoral colleges or by the agency confided under certain contingencies to the House of Representatives. Experience proves that in proportion as agents to execute the will of the people are multiplied there is danger of their wishes being frustrated.

In alluding to the fallibility of electors he said:

Some may be unfaithful; all are liable to err. So far, therefore, as the people can with convenience speak, it is safer for them to express their own will.

In the same message he said:

But even without corruption—supposing the probity of the Representative to be proof against the powerful motives by which he may be assailed—the will of the people is still constantly liable to be misrepresented. One may err from ignorance of the wishes of his constituents; another from a conviction that it is his duty to be governed by his own judgment of the fitness of the candidates; finally, although all were inflexibly honest, all accurately informed of the wishes of their constituents, yet, under the present mode of election, a minority may often elect a President.

In the same connection he also said:

In this, as in all other matters of public concern, policy requires that as few impediments as possible should exist to the free operation of the public will. Let us, then, endeavor so to amend our system that the office of Chief Magistrate may not be conferred upon any citizen but in pursuance of a fair expression of the will of the majority. I would therefore recommend such an amendment of the Constitution as may remove all intermediate agency in the election of a President and Vice-President.

President Jackson made the same recommendation in each one of his eight annual messages to Congress, and he was sustained in his views and opinions on this question by hosts of prominent and distinguished statesmen.

In the Senate of the United States, February 3, 1824, Hon. Thomas H. Benton delivered an able and powerful speech in favor of his proposition to amend the Constitution of the United States by abolishing the electoral system and giving to the people the right to vote directly for President and Vice-President.

Colonel Benton, in the course of his speech on that occasion, said:

Every reason for instituting electors has failed, and every consideration of prudence requires them to be discontinued. They are nothing but agents, in a case which requires no agent; and no prudent man would, or ought, to employ an agent to take care of his money, his property, or his liberty, when he is equally capable to take care of them himself.

But if the plan of the Constitution had not failed; if we were now deriving from electors all the advantages expected from their institution, I, for one, said Mr. Benton, would still be in favor of getting rid of them. I should esteem the incorruptibility of the people, their disinterested desire to get the best man for President, to be more than a counterpoise to all the advantages which might be derived from the superior intelligence of a more enlightened but smaller, and therefore more corruptible, body. I should be opposed to the intervention of electors, because the double process of electing a man to elect a man would paralyze the spirit of the people and destroy the life of the election itself.

In maintaining the right of the people to vote directly for the man of their choice for President, and in opposition to the electoral system, Mr. Benton further said:

It interposes a body of men between the people and the object of their choice and gives a false direction to the gratitude of the President elected. He feels himself indebted to the electors, who collected the votes of the people, and not to the people, who gave their votes to the electors. It enables a few men to govern many, and, in time, it will transfer the whole power of the election into the hands of a few, leaving to the people the humble occupation of confirming what has been done by superior authority.

Mr. Benton referred to historical examples to prove the correctness of his opinion.

Mr. Benton was also strongly opposed to the general ticket system which we now have, and he characterized it as the offspring of policy, and not of any disposition to give fair play to the will of the people. He said the people could vote for a President as easily as they could vote for an elector, and that electors are dangerous to the liberties of the people, because, in the first place, they introduce extraneous considerations into the election of President; and, in the second place, they may sell the vote which is intrusted to their keeping.

North Carolina was one of the first and foremost States of the Union in supporting General Jackson in his recommendation of an amendment to the Constitution providing for the election of President and Vice-President by a direct vote of the people.

In the House of Representatives of the United States, February 24, 1826, Hon. Romulus M. Saunders, a member of the House of Representatives from North Carolina, delivered a strong and sensible speech in favor of amending the Constitution so as to secure to the people the right to vote for the man of their choice for President. In the course of that speech Judge Saunders said:

I am willing, sir, to yield to no man in an attachment to the Constitution, in my belief of its exhibiting one of the brightest samples of the refinement of man; nor am I second to any one in a proper and becoming respect for the memory of those to whom we are indebted for its formation; yet I cannot, like the gentleman from New York, [Mr. Storrs,] nor my friend from Virginia, [Mr. Archer,] carry this veneration so far as to suppose them divinely inspired, and that the humblest individual of that body possessed more information upon this subject than all the politicians of the present day. The infirmities of human nature forbid the idea of perfection in the Constitution and that it is beyond the reach of amendment.

Shall we hear at this day the slavish doctrine avowed "that the people have nothing to do with the laws but to obey them, and no concern with the Constitution but to live under it?" No; it comports not with the spirit of our forefathers, who considered a recurrence to fundamental principles not dangerous, but necessary to the preservation of liberty. This right to amend has justly been pronounced by a late writer to have been "a marvelous prudence which foresaw and regulated by anticipation the alterations in the Constitution which time and experience might render necessary." It is idle, therefore, to say a respect for the fame of its framers forbids any amendment to the Constitution, and the provision is a mockery if to remain a dead letter.

Further on in the same speech, in advocating the right of the people to vote for and elect the President, Judge Saunders said:

Let us not be told that if the people desire this amendment it is competent for them to obtain it through their State Legislatures, for then two-thirds of the State Legislatures are necessary to a convention. That is the extraordinary mode of effecting amendments, whereas this House is the ordinary channel, and the one, no doubt, contemplated by the framers of the Constitution.

Thus spoke that able and enlightened statesman, Romulus M. Saunders, of North Carolina, in favor of amending the Constitution so as to give the election of President and Vice-President to the people. But Judge Saunders did not stand alone in advocating the right of the people to vote directly for the man of their choice for President. There was another eminent and distinguished statesman who then represented the New Berne district of North Carolina in the House of Representatives of the United States.

In the House of Representatives, Monday, March 13, 1826, the Hon. John H. Bryan delivered an able and eloquent speech in favor of the election of President and Vice-President by a direct vote of the people, and in reply to the Hon. Edward Everett, who was then a member of the House from Massachusetts. In the course of that speech Mr. Bryan said:

Upon the subject of this constitutional reformation I have earnestly endeavored to discover the true meaning and spirit of the Constitution, and am sincerely desirous to carry these into full and complete effect. God forbid that I should ever be so weak or so wicked as to displace one stone of this hallowed temple, where liberty delights to dwell, for any other purpose than to secure her permanent abode. I most solemnly assure the committee that if I could be impelled by other motives—more especially, sir, if I should attempt to unfix a column to promote party views or individual, I should deem myself an imitator—yes, sir, an humble imitator of the wretch who applied the torch of destruction to the Ephesian temple to gain an execrable immortality.

It would be a vain regret, sir, to express my sorrow that I cannot spread before the committee the rich classical repast with which they have been so sumptuously regaled by the honorable gentleman from Massachusetts, [Mr. Everett.] It has not been my lot like him to breathe the inspiring zephyrs of the land of Homer;

APPENDIX TO THE CONGRESSIONAL RECORD.



I have not had my imagination fired and my heart exhilarated and ennobled by treading the plains of Marathon and Plataea; I have not mused amid the ruins of Athens and gathered lessons of political wisdom from the silent but impressive memorials of her departed greatness, nor has fair science, "rich with the spoils of time," unfolded to me those secret treasures which she could not conceal from that honorable gentleman.

I come not here, sir, from the lyceum or the portico: I come, sir, from the court-yards and cotton fields of North Carolina; and I come, sir, to proclaim the wishes and assert the rights of the people I have the honor to represent. My life, sir, has been spent among the people of my native State; the most valued part of my political information has been derived from association and converse with my fellow-citizens. I know their wants, and I feel them, too. I know, sir, that they wish to participate in the election of the Chief Magistrate of this Union, and that they are dissatisfied with the present mode of expressing their voice, if expression it may be called.

Further on in the same speech, in advocating the election of President and Vice-President by the direct vote of the people, Mr. Bryan said:

It would have, sir, I think, the effect of rousing the people from their torpid quietism; it will make them feel that their voice is heard—that their vote is felt; and the voting directly and immediately for the man of their choice will of itself be productive of a lively satisfaction. They will then know that their vote is given as they wished it should be, and is beyond the control of any political legedomain. They will not be agitated by the merits of the several electoral candidates, but their eye will repose singly on the man of their ultimate choice.

I understand a case has occurred in Maryland where there were two electoral candidates for the same presidential candidate and one for another presidential candidate, although the district gave a large majority for the presidential candidate who had two friends as electoral candidates, yet the third candidate obtained the greatest plurality and thus the vote of the district was given to that candidate for the Presidency against whom there was a large majority. This cannot happen when the people vote directly for the President.

So spoke Hon. John H. Bryan, who was one of the most eminent and distinguished men who have ever represented the New Berne district in the House of Representatives of the United States. But Mr. Bryan was not the only Representative in Congress from the New Berne district who was in favor of electing the President and Vice-President by a direct vote of the people. Hon. Jesse Speight, who represented the same district in Congress for eight years, was also a strong advocate for the election of President by a direct vote of the people.

The constitutional amendment reported by our committee provides for electing President and Vice-President by a direct vote of the people, and also that all the votes cast, whether in the majority or minority, shall have their full and proper effect and power in all presidential elections. The amendment recommended by our committee provides that each State shall be entitled to a number of electoral votes equal to the number of Senators and Representatives to which the State may be entitled in the Congress. Our amendment also provides that the electoral votes and fraction thereof of each person voted for as President in any State shall be ascertained by multiplying his entire popular vote therein by the whole number of the electoral votes of the State and dividing the product by the aggregate popular vote for all persons voted for as President; and the quotient shall be the number of electoral votes and fraction thereof to which such person shall be entitled, using for such fraction three decimals, and no more. The Vice-President is to be elected in the same manner. By this plan for counting the votes the result will be sufficiently near mathematical exactness for all practical purposes.

The first election of a President by the House of Representatives occurred in February, 1801. The vote for Thomas Jefferson and Aaron Burr being equal there was no choice for President by the electoral votes. On the 11th February, 1801, the House of Representatives proceeded to the election of a President. On the first ballot eight States voted for Jefferson, six for Burr, and the votes of two were divided. Balloting continued without a choice until February 17, 1801, when, on the thirty-sixth ballot, ten States voted for Jefferson, four for Burr, and two in blank. Thomas Jefferson was thus elected President and Aaron Burr Vice-President.

The next election of a President by the House of Representatives was in 1825, when John Quincy Adams was elected President, although Andrew Jackson received the largest popular vote. I merely allude to those two elections of President by the House of Representatives to show that under our present electoral system the people may be cheated out of their choice for President. As the best evidence of the truth of this statement I can refer to North Carolina, my own State, in the presidential election in 1824, when General Jackson received a popular majority of 4,794 votes in the State over William H. Crawford, and yet, when the election devolved on the House of Representatives, the members of the House from North Carolina cast the vote of the State for Crawford. This shows the inherent defects of our present system, and, in my opinion, no good and substantial reason can be shown why it should not be changed.

Many difficulties have occurred under our electoral system in past presidential elections. The difficulty began in 1805 upon the vote of Massachusetts; it occurred again in 1817 upon the vote of Indiana; in 1821 upon the vote of Missouri; in 1828 upon the votes of Virginia and several other States; in 1837 upon the vote of Michigan; in 1857 upon the vote of Wisconsin; in 1865 upon the vote of Nevada; in 1869 upon the vote of Georgia; in 1873 upon the votes of Georgia, Mississippi, Texas, Arkansas, and Louisiana; in 1877 upon the votes of Louisiana, Florida, South Carolina, and Oregon. In some of these cases the matter was laid upon the table; sometimes it was indefinitely postponed; sometimes the disputed votes were counted hypothetically, sometimes absolutely, and sometimes not at all; but in

no case was any precedent established for future action. Besides, the electoral system operates inequitably in this, that it fails to represent the will of the majority as expressed in their votes.

In view of the circumstances connected with the election of Mr. Jefferson and Mr. Adams and the dangerous excitement attending the presidential election in 1876, it will probably be conceded that an election by the House of Representatives under existing laws is more full of danger than almost any other system that could be devised.

The proposition for the election of President by a direct vote of the people of the States instead of an indirect vote through electors was voted for in the convention of 1787 by the entire Pennsylvania delegation, with Dr. Benjamin Franklin at their head, and by the entire delegation from Delaware, with John Dickinson and Governor Bassett at their head; it was recommended, as I have shown, by General Jackson in all his annual messages to Congress; it was advocated by Thomas H. Benton in the Senate of the United States, declaring that the electoral system established agents where none were needed, and he asked, without reply, why an American citizen should be compelled to put his vote in the hands of another instead of voting directly for his own chosen candidate.

I have shown that the election of President by a direct vote of the people was advocated by Romulus M. Saunders, John H. Bryan, and Jesse Speight of North Carolina. And I take pleasure in expressing the opinion, which I have no doubt all unprejudiced men who knew them well will agree to, that the State was never represented in the House of Representatives of the United States by more patriotic and distinguished statesmen or more worthy and honorable men. They were not afraid to trust the people with the free exercise of their own political rights, and the people were not afraid to trust such honest and able Representatives.

Fifteen amendments have been made to our Federal Constitution since it was first framed by the convention at Philadelphia in 1787. Ten amendments were proposed at the first session of the First Congress of the United States, September 25, 1789, and were finally ratified by the constitutional number of States December 15, 1791. The eleventh amendment was proposed at the first session of the Third Congress, March 5, 1794, and was declared in a message from the President of the United States to both Houses of Congress, dated January 8, 1798, to have been adopted by the constitutional number of States. The twelfth amendment was proposed at the first session of the Eighth Congress, December 12, 1803, and was adopted by the constitutional number of States in 1804, according to a public notice thereof by the Secretary of State, dated September 25 of the same year.

We all know that the thirteenth, fourteenth, and fifteenth amendments have been adopted since the close of the war. The provision in our Federal Constitution for the election of the President and the Vice-President was adopted after a prolonged discussion in the convention of 1787, and was regulated by an act of Congress of March 1, 1792. The electors were at first chosen in at least three different modes, namely, by joint ballot of the State Legislature, by the people of the State voting by general ticket, and by the people voting in districts.

The amendment recommended by our subcommittee abolishes the useless system of electors in the election of President and Vice-President and places the power in the hands of the people to vote for whom they please, and to have their votes counted in the election.

The following is the proposed amendment to the Constitution of the United States prescribing the mode of election of President and Vice-President:

Joint resolution (H. R. No. 183) amending the Constitution as to the election of President and Vice-President.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein,) That the following be proposed as an amendment to the Constitution of the United States; which, when ratified by three-fourths of the Legislatures of the several States, shall be valid, to all intents and purposes, as part of the said Constitution, to wit:

ARTICLE XVI.

The President and Vice-President of the United States shall be chosen by the people of the several States; the elector in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature; they shall vote by ballot for President and Vice-President on the day provided by law, which day shall be fixed by Congress, and be the same throughout the United States.

Each State shall be entitled to a number of electoral votes equal to the number of Senators and Representatives to which the State may be entitled in the Congress.

The electoral votes and fraction thereof of each person voted for as President in any State shall be ascertained by multiplying his entire popular vote therein by the whole number of the electoral votes of the State, and dividing the product by the aggregate popular vote of the State for all persons voted for as President; and the quotient shall be the number of electoral votes and fraction thereof to which such person shall be entitled, using for such fraction three decimals and no more.

The foregoing provisions shall apply to the election of Vice-President; but no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

Within ten days after any presidential election the returning officers of elections in each State, in accordance with the laws thereof, shall make proper returns in duplicate of the votes cast for President and Vice-President, and shall transmit the same under seal to the secretary of state or other officer lawfully performing the duties of such secretary, one of them by mail and the other by special messenger, and the said returns shall be publicly opened by said secretary or other officer in the presence of the chief executive magistrate of the State and the State auditor or comptroller; but if either of said officers fail to act, the attorney-general of the State shall act in his stead; and said officers by and before whom said returns are opened shall ascertain the popular vote and forthwith make apportionment of the

electoral vote as hereinbefore provided, and shall thereupon make three distinct lists of all persons voted for as President and Vice-President, comprising the popular vote by counties, parishes, or other principal divisions of the State, and their apportionment aforesaid, which lists they shall sign and certify, and shall transmit two of them, sealed, to the seat of Government of the United States, one directed to the President of the Senate, the other to the Speaker of the House of Representatives; the third list shall be filed and recorded in the office of the said secretary of state. Said apportionment shall be made on a day fixed by Congress, and be the same throughout the United States.

If there shall be a contest in any State as to the election of President or Vice-President, the same may be passed upon by its highest judicial tribunal, in accordance with its laws; the decision thereof shall be by it certified and transmitted, sealed, to the seat of Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of both Houses of Congress assembled for that purpose in the Hall of the House of Representatives, open all the certificates; the electoral votes shall then be counted by the two Houses, ascertained, unless rejected by both Houses; but if there be a certificate of decision by the highest judicial tribunal of any State upon a contested election therein, the electoral votes of such State shall be counted in accordance with such decision, unless the same be overruled by both Houses; but if there be no such certificate of decision, the contested votes from any State shall not be counted unless both Houses concur therein. If there be more than one certificate of electoral votes from any State, and no such judicial decision as aforesaid, or if there be more than one such decision from any State, in either case that certificate of electoral votes which shall be held by both Houses to be made by the rightful authority, and that judicial decision which shall be held in like manner to be made by the rightful tribunal, shall be conclusive, and the votes be counted accordingly, unless rejected by both Houses.

The person having the highest number of electoral votes for President shall be the President; but if two or more persons have an equal and the highest number of such votes, then from such persons the House of Representatives shall choose immediately the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote. A quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the 4th day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

The person having the highest number of electoral votes as Vice-President shall be Vice-President; but if two or more persons have an equal and the highest number of such votes, then from such persons the Senate shall choose the Vice-President. A quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

I will include in my remarks the following table, showing in separate columns the electoral vote, the aggregate popular vote, the ratio of popular to electoral vote, the popular vote for each candidate, the electoral vote of each candidate, and the total electoral vote in each State and in the United States in 1876. The proposed amendment is worthy of consideration, because it gives to every voter the right to vote for the man of his choice. The plan has been approved by many wise and great men, and, in my opinion, it will increase in public favor whenever it shall be fairly and properly considered:

Presidential votes—Election of 1876.

States.	Electoral vote.	Aggregate popular vote.	Ratio of popular vote to electoral vote.	Popular vote for Tilden.	Popular vote for Hayes.	Popular vote for Cooper.	Electoral vote for Tilden.	Electoral vote for Hayes.	Electoral vote for Cooper.	Total electoral vote of each State.
Alabama	10	170,232	17,023	102,002	68,230	.....	5,991	4,008	.....	9,999
Arkansas	6	97,029	16,171	58,071	38,669	299	3,590	2,301	.....	5,891
California	6	154,563	25,750	75,845	78,614	44	2,945	3,052	.....	5,997
Colorado	3	27,474	9,158	13,316	14,158	.....	1,454	1,545	.....	2,999
Connecticut	6	121,742	20,290	61,934	59,014	774	3,052	2,909	.....	5,961
Delaware	3	24,133	8,044	13,381	10,752	.....	1,663	1,236	.....	2,899
Florida	4	47,792	11,948	23,943	23,849	.....	2,003	1,996	.....	3,999
Georgia	11	180,534	16,412	130,088	50,446	.....	7,926	3,073	.....	10,999
Illinois	21	554,066	26,388	258,601	278,232	17,233	9,801	10,545	.....	20,346
Indiana	15	431,070	28,738	213,526	208,011	9,533	7,430	7,238	.....	14,668
Iowa	11	284,327	26,666	112,090	171,327	9,901	4,203	6,424	.....	10,627
Kansas	5	134,000	26,800	37,902	78,332	7,776	1,528	3,154	.....	4,682
Kentucky	12	258,790	21,615	159,690	97,156	1,944	7,404	4,505	.....	11,909
Louisiana	8	159,349	19,918	82,336	77,023	.....	4,133	3,866	.....	7,999
Maine	7	116,746	16,655	49,823	66,300	663	2,986	3,973	.....	6,959
Maryland	8	163,794	20,474	91,780	71,951	33	4,482	3,515	.....	7,997
Massachusetts	13	250,619	19,970	108,777	150,063	779	5,446	7,514	.....	12,960
Michigan	11	316,649	28,789	141,095	166,534	9,060	4,900	5,784	.....	10,684
Minnesota	5	124,072	24,814	48,759	72,962	2,311	1,958	2,948	.....	4,906
Mississippi	8	164,778	20,597	112,173	52,605	.....	5,446	2,553	.....	7,999
Missouri	15	351,604	23,440	203,077	145,029	3,498	8,663	6,187	.....	14,850
Nebraska	3	51,790	13,940	17,554	31,916	2,320	1,016	1,848	.....	2,864
Nevada	3	19,691	6,563	9,308	10,383	.....	1,418	1,581	.....	2,999
New Hampshire	5	80,124	16,024	38,509	41,519	76	2,403	2,592	.....	5,000
New Jersey	9	220,191	24,465	115,962	103,517	712	4,739	4,231	.....	8,970
New York	35	1,013,143	28,946	521,949	489,207	1,987	18,031	16,900	.....	34,931
North Carolina	10	213,844	21,384	115,427	108,417	.....	5,363	4,636	.....	9,999
Ohio	22	656,937	29,860	323,182	330,698	3,057	10,822	11,074	.....	21,896
Oregon	3	29,865	9,555	14,149	15,206	510	1,421	1,526	.....	2,947
Pennsylvania	29	757,467	26,119	366,158	384,122	7,187	14,018	14,706	.....	28,724
Rhode Island	4	26,567	6,641	10,712	15,787	68	1,612	2,376	.....	3,988
South Carolina	7	182,776	26,110	90,906	91,870	.....	3,481	3,517	.....	6,998
Tennessee	12	222,726	18,560	133,160	89,566	.....	7,173	4,825	.....	11,998
Texas	8	149,553	18,694	104,755	44,800	.....	5,602	2,396	.....	7,998
Vermont	5	64,346	12,869	23,234	41,092	.....	1,573	3,426	.....	4,999
Virginia	11	220,228	20,566	130,670	95,558	.....	6,353	4,646	.....	10,999
West Virginia	5	100,526	20,105	56,455	42,695	1,373	2,807	2,123	.....	4,930
Wisconsin	10	256,104	25,610	123,927	130,668	1,509	4,838	5,102	.....	9,940
Total	369	8,433,263	.....	4,302,485	4,039,441	81,737	189,674	175,925	3,247	368,946

* Vote for governor in October, 1876.

Nutting vs. Reilly.

SPEECH OF HON. JAMES B. REILLY, OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 3, 1879,

On the contested-election case of Nutting vs. Reilly.

MR. REILLY. Mr. Speaker, the late day at which the committee present their report, and the pressure of public business and the excitement incident to the closing hours of a session of Congress, prevent that discussion which is usually given to cases of this kind. I feel some delicacy in myself discussing my right to a seat on this floor, and I would much prefer that members of the committee who have made a searching investigation into all the facts and passed judgment thereon could have an opportunity of arguing the case before the House and defend my right rather than to do so myself. But as this is impossible for want of time, a sense of duty to my constituents, as well as to myself, constrains me to say a word in my own behalf. I shall be brief.

Mr. Speaker, the district which I have had the distinguished honor to represent in this body as a member of the Forty-fourth and Forty-fifth Congresses is composed of the county of Schuylkill, and is known as the thirteenth congressional district of Pennsylvania. Excluding the counties of Philadelphia and Allegheny, which embrace the great cities of Philadelphia and Pittsburgh, Schuylkill is the first county in the great State of Pennsylvania in point of population and wealth. Its people are thrifty, enterprising, and intelligent, and I assure you, Mr. Speaker, I fully appreciate the great distinction such a people have conferred on me in choosing me twice as their Representative in the Congress of the United States; and permit me to say I have faithfully endeavored to serve them to the best of my humble ability, with what success I leave them and you my associates in this body to say. During the present term this contest, which has been carried on with a pertinacity worthy of a better cause, has materially interfered with the discharge of my duties here, engaging as it necessarily did much of my time and attention, aside from any consideration of the personal inconvenience it has occasioned me. I feel, then, Mr. Speaker, that I may justly claim the indulgence of the House in submitting a summary of the facts in this case, which is all that is necessary, I think, to my complete vindication.

First, then, let me call attention to the fact that there is in this case

no question as to the legality of the election in contest in point of time, place, or manner. It was held on the day, at the places, and in all respects in the manner provided by law. There is no question as to the correctness or fairness of the return, either as made by the election officers in the various precincts or by the return judges, who under the laws of Pennsylvania are the judges learned in the law of the court of common pleas of the county. The only ground of contest made by the contestant is as to the legality of the votes of certain individuals, and upon this ground his whole case rests.

It will be observed that there is no tangible or substantial ground of contest set forth in contestant's notice. It is a string of glittering generalities, and was calculated to embrace any and every cause that accident or ingenuity might develop as the case progressed which might be turned to the advantage of the contestant. The notice is vague and indefinite. No effort was made to particularize, and it amounted to little more than a notice that my seat was contested. Contestant himself did not know his grounds of contest until after he concluded his testimony. The manner in which the case was conducted establishes this. The notices of the witnesses proposed to be examined by contestant contain the names of over one thousand persons, and the record shows that about seven hundred were examined by him.

These were not voters against whom any specific allegations of illegality were made, but citizens forced from their homes and business to be subjected to a crucial investigation under oath as to whether or not they perchance lacked some of the necessary legal qualifications to entitle them to vote; and until after the voter was placed upon the witness-stand and examined, neither the contestant himself nor any one else could determine upon what ground the vote would be questioned, if questioned at all. Thus, after scouring the district as with a drag-net and examining the large number of witnesses above stated, the contestant comes before this committee only able to allege that less than one-fourth of the number of votes examined by him are illegal, and it is confidently submitted that upon investigation almost every one of these will be held legal. The notice of contest, therefore, cannot be held "to specify particularly the grounds of contest on which he relies," as is prescribed by the act of Congress, and this case is left to be determined without regard to the notice or the character or limits of the ground of contest when it was instituted.

And in almost every instance the contestant's claim as to the votes questioned by him is based on the sheerest technicality. The committee find that, granting all the votes that can honestly be allowed contestant upon his own showing, and without even considering the evidence adduced by me, that I am still elected. Out of a vote of over 10,000 received by me all that the assiduity and money of the contestant has been able to develop is a few illegal votes, not exceeding the number I claimed to have proved illegally cast for him. The mountain was in labor and brought forth a mouse. Such is the nature of the case brought here by contestant.

The report of the committee needs no argument to sustain it, and as I have very fully discussed the case in my brief, copies of which have been laid on members' tables, I beg to refer members to it, especially as time does not now permit a review in detail. I apprehend very few, if any, will controvert the decision of the committee, based as it is upon well-established law and fully sustained by the testimony in the case.

That I may be set right as to the delay in bringing this case before the House I desire to say it can in no way be attributed to me. Confident in the justice of my cause and the honesty of my right to a seat here I started with the contestant at the very threshold of this investigation and met him at every point. I felt impelled to pursue this course, not only for my own vindication and as a duty to those who had elected me, but to thwart what I believed then and believe now to be a proceeding without merit and prompted by sinister motives. As all are aware this Congress convened on the 15th day of October, 1877, and was in continuous session until the 20th day of June, 1878. A subcommittee of the Committee of Elections to consider this case was appointed on the 27th day of February, 1878, since which time they have been ready to hear it. The contestant, however, permitted that long period to pass by without any effort to have his case considered, and it was not until December last that the case was argued. As stated by the committee, the evidence is very voluminous, and the committee have since the argument been industriously engaged in examining it. The delay therefore can in no way be imputed to me or to the committee, but is entirely owing to the conduct of the contestant himself.

The fact that this contestant has allowed so much time to elapse before presenting his case, may be construed as evidence that there is little merit in his case and that he was conscious of that fact. What his motives may be in urging action at this late stage of the session I leave to the inference of members. I say here now, and speak advisedly when I state that, although with a perversion of truth that characterizes this case throughout, statements have been published in some of his party papers to the effect that the committee was censurable for the delay, which any one at all acquainted with the facts must have known to be false.

Every means were resorted to by this contestant to secure his election and to manufacture a case in this contest. I have been reliably informed that the contestant agreed with leading men of his party in this district that he would be willing to expend the salary of the

term as a member of Congress in the event of his receiving the nomination of his party for Congress; and he has recently stated in this building that he expended a very large sum in the matter of this election and contest.

It is a wise rule of law that every man coming into a court complaining of another should come with clean hands. I charge here that whatever was objectionable or deserving of complaint in this election was done by the contestant or his party friends.

The evidence in this case develops instances of willful bribery and a manifest purpose to secure his election by the corrupt use of money and other means, honest or dishonest, that might contribute thereto. I feel myself vindicated by the report of this committee, so far as I need vindication, if any, and am gratified to learn that such a case has found little encouragement in this body, as I can assure this House it has found little favor among the voters of the district from which the case comes.

It is not the theory of the law that contests shall be instituted and carried on for the purpose of gaining any personal ends or gratifying any individual ambition, no matter how laudable; and if it be made to appear that a contest without sufficient cause and without merit, and in a party in whose interests at the very election in contest the most glaring and gross attempts at fraud have been committed, is instituted after the electors have decided, it should find no encouragement here or elsewhere. If it does, then elections will decide nothing, and our courts and legislative bodies will be occupied in considering contests of this character; for all a defeated candidate will have to do will be to give his general notice and hold his court of inquisition as to the right of citizens to vote, without charge or accusation, and trust to fortune to favor his chances of success.

Chinese Immigration.

SPEECH OF HON. C. G. WILLIAMS,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, March 1, 1879,

On the bill (H. R. No. 2423) to restrict the immigration of Chinese into the United States.

Mr. WILLIAMS, of Wisconsin. Mr. Speaker, I avail myself of this opportunity to place upon record some of the reasons which govern my action upon this bill. I shall do so briefly and without attempted elaboration or detail.

Treaties bind nations as contracts bind individuals. They are negotiated in a similar way and with like effect; they involve great interests and should not be hastily set aside. Their observance in the utmost good faith demands the highest principles of honor, for while individuals in cases of wrong have their redress in the courts, nations can only appeal to the enlightened judgment of the world or the sterner arbitraments of war; and the real honor of nations, like the honor of individuals, is best tested by the manner in which they bear themselves toward those too weak to assert and defend their own rights.

The United States stand first and foremost among the nations of the earth. Steam and electricity have brought States and nations nearer to each other and made them neighbors. We have not only vast interests to protect, but we have an international character to maintain. Our trade with China may be comparatively insignificant now, but its possibilities in the future are boundless.

While all the great western nations are competing for this trade, and while we joined them a few years ago in battering down the Chinese wall of prejudice and compelling her to change the policy of centuries and grant commercial intercourse to the outside world, are we now willing to pursue a course which would justify her in closing her ports and driving out our officials, our commercial men, and missionaries? Are we willing to make a precedent here, so that when American citizens in the Celestial Empire shall be subjected to the rigors of Chinese law and Chinese justice the whole world will say, "Served you right?"

Does any one doubt that the self-same policy proposed in this bill pursued toward Great Britain would lead to war in ninety days? How long would her legation remain at this capital under an insult like this? And can we afford to do that to China which we would be afraid to do to Great Britain? Ah, sir, that which we do to the meanest does but give precedent to the mightiest!

When this Burlingame treaty was negotiated, it was hailed as the triumph of American diplomacy. And now, when we have received all the benefits under it, shall we say that we will construe it to suit ourselves, and, by way of preserving amity and good will, will banish all Chinamen from our shores but still insist that commercial intercourse with China shall be kept up?

I suppose no lawyer doubts that the abrogation of a portion of this treaty by us absolves China from the rest; yet we are told that this must be done or the "Pacific slope," and especially California, will go democratic in 1880. So it has come to this, that international

diplomacy must be brought down to the carrying of State elections. We care not what the world may think of us so that "our side" may win. Well, sir, for one I doubt the propriety of entering upon a race like that, especially when the hoodlums of the "sand-lot" have already distanced us in the first heat. But supposing you carry the "sand-lot" and lose the rest of the country. What are you going to do with the religious and moral element which so strongly and energetically protests against this measure on its merits? You may say that these are fanatical and impractical, but are you quite sure that this will soothe and pacify them?

Statesmanship not only takes note of ignorance, passion, and prejudice, but it also remembers intelligence, morality, and religion. Now, these latter elements have faith that the Chinaman can, not only be civilized, but Christianized, and on that faith they have invested thousands if not millions of money, and sent forth and sacrificed some of the bravest and best men and women the world has ever produced. Is this work to be continued, or is it to be abandoned? Break this treaty without notice; tell China that we hold her in contempt, that her very presence is loathsome to us, and that, so far as we are concerned, we will make her the Ishmaelite nation of the world; and what do you think will be the fate of American missionary work in China or the resultant effect in the Christian churches of the United States?

However we may differ as to the forms and phases of the religious element in man, its reality and power no one will dispute. It constitutes one of the strongest, deepest, and most effective agencies for moving the masses of mankind. Superstition and fanaticism may have fastened themselves upon it, error and wrong may have overthrown and almost destroyed it, yet up from the ruins civilization springs and overspreads the world.

I know, sir, how easy it is here to sneer at "mere sentiment," to deride and condemn it. I grant you that there is a sentimentality which is but another name for foolishness; but there is also a sentiment which is the life-spring of affection and the logic of right. It is at once the lawgiver and shield of justice on earth. Its presence may be undemonstrative, but its power is invincible. It has shaken thrones and shattered empires.

If you doubt its existence, step from here into old Representative Hall, now, when the Capitol is filled with strangers, representative men and women from all parts of the Union. Observe the suppressed emotion, the reverence, and almost the awe with which they there look upon the marble forms of departed statesmen—Washington, Adams, Jefferson, and the rest. Go with them into the Rotunda, as they study the historic paintings upon its panels or look up into the Dome, or at the flag that floats over it. Now, this statuary and these paintings may justly be the subject of criticism as works of art, yet in their associations and surroundings and the events which they portray there is a depth and power and meaning conveyed to the average American mind which it is as impossible for a carping critic to comprehend or feel as it would be for a chimpanzee to appreciate the masterpieces of Daniel Webster.

This is sentiment in patriotism; multiply it tenfold and you will have sentiment in religion.

But, aside from religion, if we abrogate this treaty and stand upon this measure absolutely we violate some of the deepest and dearest traditions of American polity. The "land of the free," the "home of the oppressed," the "asylum of all nations" may be things which require revision, correction, and perhaps reversal; but if this be so, it will never do to attempt it under a demand for the "previous question" or a "suspension of the rules," cutting off debate. Whenever that thing is accomplished it will require all the powers of diplomacy, all the wisdom of statesmanship, and all the forbearance of Christianity; not so much to manage foreign nations as to control our own.

That this Chinese problem is a difficult one no man can doubt; that it should be regulated by every means compatible with the friendly relations of the two governments and the general principles of our foreign policy admits of little question; but that we should attempt or expect to absolutely prohibit it seems to me, sir, very much like attempting to legislate against a fog or a flight of birds. The Chinese are here. They have learned the way steamships ply between their country and ours. The tides of commerce from India, China, and Japan are rising and rolling toward our shores. With them come and must come the inhabitants of those countries. With all due respect to the progenitors of this kind of legislation, I think the attempt to shut out the Chinese by it is very much like Mrs. Partington's attempt to mop out the sea. If you prevent them landing in San Francisco how will you prevent their landing in Mexico or the British possessions? If foreign steam or sail vessels bring them near our shore, from which they are landed in smaller craft, how are you going to prevent it? Why, Mr. Speaker, if they are determined to come they will come, and you cannot prevent it. They will come in through the creeks and bays, and even the clefts of the rocks.

Chinese emigration must be prohibited, if at all, in China and with Chinese consent and co-operation. But this style of legislation will hardly secure either.

For one I do not think this immigration desirable, at least for the present. The Chinaman does not readily assimilate with our civilization. He resides here for a temporary purpose. He has little inclination to become a citizen if he could. He takes slight interest in our laws, our literature, or our institutions. His ambition is to

gain something for himself and return to the land of his fathers. Thither go the bones of his dead companions. From 1852 to 1876 the arrivals in California were 214,226. In the same time the departures were ninety thousand. It has been estimated that twenty-four thousand have died, leaving only about 50 per cent. of the original arrivals.

Nearly one-half have returned. During the last six months, as authentic tables show, four Chinamen have left America where one has come to it, and yet the fact remains that Chinese labor on the Pacific slope has created more wealth by the thousandfold than it has carried away. It has cleared farms, reclaimed marshes worked mines, gathered fruit, built railroads, and run factories. In the lighter employments, requiring deftness and accuracy, it has proved itself a powerful competitor. Whatever creates wealth ought to contribute to human comfort and relieve the needs and wants of the masses of mankind; cheap Chinese labor, like the products of labor-saving machinery, ought to be so utilized or ought so to adjust itself as ultimately to open up new and higher avenues for labor and the employment of the more intelligent workmen. Whether it will do this is the great question involved in the problem. The difficulty seems to be that while the machine produces it constitutes no direct political or social force; while the laborer who is not a citizen and has no desire to become one, who leaves his country not for liberty but for money, who has no attachment to the land of his adoption and no ties nor ambition connecting him with it, is at the same time a present and positive social force at least affecting political conditions. Can America assimilate this element also?

Whether she can or not, sooner or later she must undertake it. I am by no means certain that she should be eager to hasten that day. Virtually two civilizations struggle within her borders already; two theories of government diametrically opposed. The Mongolian will form the third. Surely southward and southwestward to Mexico we see elements far from homogeneous for a free republic to grow and prosper upon. Yet who can doubt that "manifest destiny" will at no distant day seek to embrace all these? What is our real strength to-day to punish crime or protect the citizen? As we expand the arch will the structure grow stronger or weaker?

Looking across the sea we behold the pagan ready to embark to our shores. At present there is no danger. In limited numbers we can assimilate and absorb all who will come. One hundred thousand or two hundred thousand can have no perceptible effect upon fifty millions of people. Yet to the end that this immigration be properly regulated and controlled, there should be employed the broadest statesmanship, the wisest diplomacy, and the kindest treatment toward a nation proud, prejudiced, and conceited; all of which this proposed legislation deals a blow squarely in the face.

I am opposed to it; and, as I have done before, shall vote against it now.

The Government Printing Office.

SPEECH OF HON. E. B. FINLEY,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 27, 1879,

On the bill (H. R. No. 6213) to reduce the cost of the public printing and binding.

Mr. FINLEY, of Ohio. Mr. Speaker, the Committee on Public Expenditures, of which I have the honor to be a member, was on the 26th day of March, 1878, instructed to investigate and inquire into the matters pertaining to the public printing, with a special reference to any errors, abuses, or frauds that might exist in the administration of the public printing, with a view to ascertain what change and reformation might be made so as to promote the integrity, economy, and efficiency of that branch of the public service.

A subcommittee was appointed to make that investigation, myself being one of the number, and we devoted some six or seven months of arduous labor in making the investigation; examining a large number of witnesses and taking over six hundred pages of printed testimony. From the annual report of the Public Printer for 1878, it appears that since the 30th of June, 1862, there has been appropriated and expended to exceed \$26,000,000 for the public printing and binding. Your committee undertook to ascertain the manner in which this large sum of money has been drawn from the Treasury and expended, and in so doing found that in the management of the Government Printing Office there is perhaps less system and a greater looseness than is to be found in any other branch of the public service. We annually appropriate and place in the hands of the Public Printer from fifteen to eighteen hundred thousand dollars. This money he draws from the Treasury in sums not exceeding two-thirds of his bond, (which is \$100,000,) semi-monthly.

What is the system by which this money is drawn and expended, and what safeguards and checks are there to secure its honest use and a faithful account on the part of the Public Printer? Let us see. Of the sums so appropriated nearly two-thirds are expended for printing for the Departments, a little more than one-third being expended

for the printing for Congress. The Public Printer in his annual report to Congress does not purport to give his receipts; his report only gives his expenditures, being one side of the account. We must look elsewhere for the receipts. Going to the Treasury we find that the Public Printer draws the money on his warrants, and accounts for the same to the Treasury by vouchers for material and property furnished, and the pay-rolls. It is not within the province of the accounting officers of the Treasury, in their settlement with the Public Printer, to inspect the accounts of the Public Printer further than to see that his vouchers equal in amount the money he has drawn. So that if the Public Printer produces vouchers corresponding in amount with the money he has drawn from the Treasury, although the vouchers may represent property that was never delivered to him as Public Printer, or labor that was never performed, the accounting officers of the Treasury are nevertheless bound to receive them in settlement of his accounts.

In his reports to Congress we have no means of knowing what property he may have on hand or has in fact received, because his reports show nothing further than the disbursement of the appropriations, and on what account, the larger part, especially that relating to the Departments, being in gross.

Again, it will be observed that the Departments—having no more than a credit with the Public Printer—not having a right to control the money appropriated for their public printing, have no check on the Public Printer, or means to prevent him from charging such exorbitant prices as he may see fit. For the work he does for the Departments he may charge one, two, or more prices, and it could not be detected upon an examination of his annual report to Congress, or in fact otherwise than by an investigation of the Printer's books.

For instance while his report to Congress showing work done for the Senate and House is given in detail, covering from ten to twelve pages in each annual report, the printing done for the Departments, which is nearly double the amount of the other, covers but one page of his annual report and gives the amount in gross.

The subcommittee made an examination to a certain extent of the prices charged the Departments for work done for them, and we found that the Public Printer has it within his power by overcharging the Departments to exhaust an appropriation almost at will; and we found as far as our investigation went, in every instance, I think I may fairly say, that the prices charged for work done ranged from 20 to 300 per cent. above what the work actually cost, or what it could be done for by private parties.

For instance, I will give one or two illustrations. Take, for example, this blank which I hold in my hand, known as "Form No. 10" in the Quartermaster's Department. This blank contains one hundred and fifty-six words by actual count; of ruling there are sixty-eight lines. The evidence shows that at one time there were ordered of these blanks five thousand copies, and that the Public Printer charged composition (setting up the type) eighteen thousand six hundred ems at sixty cents per thousand, making \$11.16; that he charged for press-work for ten thousand impressions, or forty tokens, \$20; and for ruling, \$25, making a total of \$56.16, or \$11.28 per thousand for printing and ruling this blank containing one hundred and fifty-six words and sixty-eight lines of ruling.

Gentlemen will understand the character of this charge more fully by making a comparison with the quantity of matter appearing upon a page of the RECORD. Page 10 of to-day's RECORD contains about eighteen hundred words or about sixty-five hundred ems. The testimony shows that an ordinary page of the CONGRESSIONAL RECORD contains about six thousand ems, yet the Public Printer, for this blank containing one hundred and fifty-six words, managed to charge for eighteen thousand six hundred ems in this blank. At another time he charged for eighteen thousand eight hundred ems; at another time for eighteen thousand six hundred ems; at another time six thousand ems; at another time five thousand ems; and at another time four thousand ems for the composition of this same blank containing the same number of words.

Upon one order the composition, press-work, and ruling amounted to \$14.28 or \$14.76 per thousand. At another time it amounted to \$14.72 per thousand; at another time \$3.74 per thousand; at another time it amounted to \$4.83 per thousand, showing that the prices charged for work done for the Departments, as testified to by Mr. Childs, one of the book-keepers in the establishment, is wholly arbitrary. Mr. Childs testifies that this form, this blank, which I now exhibit, has been in use since 1873. He was unable to say whether it was stereotyped or not; he says, however, that it ought to be if not. (See page 75 of the testimony.) This piece of work was exhibited to Mr. Brian, who was the foreman of the Government Printing Office for a number of years, and he testifies that the cost of the composition ought not to exceed \$2. His testimony to this effect is found on page 412 of the testimony, and reads as follows:

Question. Going back a little to that question about composition, I have herein my hands a few jobs of work showing the charges that the Government Printer made which I wish you to examine. For instance, there is a blank known as "Form No. 10" of the Quartermaster's Department; you see the size of it. There is printing on it, a little at the top, a little at the bottom, and a little on the back; now that is done for one of the Departments. Suppose the Government Printer charged the Department for which that is done, as the law requires him to do, exactly what it cost to do the work, about how much should he charge for composition and the setting up of that blank—just for the work done, putting on one of his day hands to set it up?

Answer. About \$2 for composition. I think that would be about the actual cost.

Q. You will notice that I have marked on this sheet seven different jobs that he did of this blank, one of five thousand copies, one of three thousand, &c. You will notice that in the first order he charged the Department for eighteen thousand six hundred ems, \$11.16 for composition. No. 2 he charged for the same number of ems, Order No. 3, the same number. No. 4, for only six thousand. The next, only five thousand ems, and the last one only four thousand ems. Can you give me any good reason why he should charge eighteen thousand six hundred ems for printing that blank at any time and why there should be so much difference between the number of ems for the same job of work?

A. I suppose he measured the job by printers' measure.

Q. Then if he measured any job in that way it should be the same number of ems every time, should it not?

A. Yes, sir.

Q. Then that simply illustrates the fact that they have no system whatever in doing the work, does it not?

A. If that blank be a sample of their system, it certainly does.

Q. Supposing that he is required by law, as he is, to charge each Department for the actual cost of work done, he should have charged the Department for doing that work \$2, instead of \$11.16?

A. Yes, sir.

Q. Now examine the press-work of that job. What do you say as to this charge of press-work? In the first order of five thousand copies he has charged for ten thousand impressions, or forty tokens, \$20, or fifty cents a token?

A. Yes, sir.

Q. Do you say that the press-work of that will amount to ten thousand impressions?

A. There ought to be only five thousand.

Q. In the next order of three thousand copies he has charged for six thousand impressions. How many should there be there?

A. There should be only three thousand.

The Government Printer charged fifty cents a token for the press-work and made an additional charge of \$4.80 for "getting ready for press." Mr. Helm, formerly in charge of the RECORD, and a practical printer, puts the price of the composition at \$1.50; he says that the composition for which the Public Printer charged \$11.16 could be done in less than half a day.

Mr. Brian says in that regard as follows:

Question. Would not a private establishment take a contract to do that work for fifty cents a token without additional charge for getting ready for press?

Answer. I think they would.

Q. Without doubt?

A. Yes, sir, without doubt.

Q. Do you not think it could be let out by contract for forty cents a token without any additional charge for getting ready for press?

A. Yes, I have no hesitancy in saying that it could be done for forty cents a token.

Take this little blank, which I hold in my hand, used in post-offices, "Form 43 Box-Rent," containing thirty words. This little form is ordered in large quantities, from three hundred thousand to a million at a time. We find that every time an order was given for this form the Public Printer charged fifty cents a token for press-work, and made an additional charge of \$4.80 for getting ready for press.

For instance, at one time he charged \$42 for 300,000 copies; at another time, \$42.50 for 300,000 copies; at another time, \$29.80 for 200,000 copies. Mr. Helm, Mr. Judd, Mr. Brian, and Mr. Bartlett, all of them practical printers, join in saying that any private establishment would print this blank for thirty cents a token without additional charge for getting ready for press, and make money at that.

I will read from the testimony of these gentlemen on that point.

Mr. M. D. Helm says:

By Mr. FINLEY:

Question. I want to call your attention a moment to a job or two of work. There is a form known as Form No. 10 of the Quartermaster's Department, with an item of the cost of work done at various times. For that work you will observe that at one time he charges the composition for eighteen thousand six hundred ems, at another time he charges six thousand ems, at another five thousand, and at another four thousand ems for the same work. I should like to inquire of you whether, whatever the number of ems might be—the composition might be—in that blank, whether it should or should not be the same all the time?

Answer. There is no doubt that the number of ems is always the same in that job.

Q. How long would it take a good printer to set up that blank?

A. At the outside, one day. A man who could not get it ready for the press in less time than that.

Q. Give as fair an estimate as you can.

A. Well, half a day.

Q. If you were paid, then, a fair living price for the composition, what would it be worth?

A. Half a day's pay at \$1.30 a day.

Q. I notice that he has charged \$11.16 at one time for the composition, and \$11.28 at another. What do you say as to whether that is a reasonable charge for the actual work done on that blank?

A. I do not know; it might have been changed, but I do not think so.

Q. Supposing it was the actual cost of the composition?

A. It is about four times what it is worth.

Q. Five thousand copies of that blank, I see he has charged for ten thousand impressions, what do you say as to that; should there be ten thousand impressions, or could there have been five thousand?

A. It could have been worked at five thousand easily enough.

Mr. Judd says, on page 438:

By Mr. BURDICK:

Question. Is there any expense connected with getting the plates ready for the press to do a job of three hundred thousand or one million of blanks?

Answer. Yes, sir; but that expense is always covered by the price charged for the press-work. After the press gets going it soon pays for itself at fifty cents a token.

Q. In other words, the labor and expense of getting ready is included in the fifty cents a token?

A. It is always included in the charge for press-work, whatever it may be.

Q. I find that the Government Printer charges on other work than blank work a uniform price of seventy-five cents a token, superadded to which is the inevitable \$4.80 for getting ready for press for this work, or for a great portion of it at all events; what do you say, taking the actual cost of press-work in the Government Printing Office and comparing it with the seventy-five cents a token charged, how much is it too much?

A. It is about 50 per cent. too much.
Q. Suppose that sum of seventy-five cents a token includes folding and stitching, what should be deducted for that?

A. Seventy-five cents a token will leave fifty cents for press-work and twenty-five cents for folding. That will make a dollar a thousand, which is just double what private establishments would do it for.

Q. Now, going back to the departmental work, can you give the committee an estimate of what per cent. is charged too much for that work, as far as your observation has extended?

A. I don't think that I can answer that question satisfactorily. They charge for the composition on a blank about \$11 or \$12, that is worth about \$3; and private printers would gladly do it for that, using their own material. At another time they charge \$3 for it, which would be about the right charge for it. The charges are so exceedingly varying that it is almost impossible to make a per cent. on the overcharge.

Q. If they keep an account of the actual work done at a uniform price, should not the prices charged for the same job of work be the same each time?

A. Always.

Q. To what extent do you find that they are not?

A. From two to three hundred per cent.

Q. At different times?

A. Yes, sir. At one time a job will cost \$5 and at another time \$15.

Q. For the same work?

A. Yes, sir; for the same work.

And Mr. Judd says again, on page 440 of the testimony:

Question. I will call your attention to a blank known as "Post-office box-rent," as also a blank entitled "Application for money-order." State to the committee what the press-work on that would be worth per token in long forms, from 300,000 to 1,000,000 copies at one order?

Answer. How much has the Government Printer charged for that?

Q. Fifty cents a token.

A. That is too much.

Q. How much too much?

A. I think you could get a bid to do that for thirty cents a token.

Q. What would that thirty cents a token include?

A. Getting it ready for press and working it.

Q. He has charged fifty cents a token for press-work, and \$4.80 for getting ready for press. How much is that too much?

A. Thirty cents a token is enough; the charge of \$4.80 has no business there. If you advertise for bids to do that work you will find that it can be done for thirty cents a token, which will include everything.

Q. There is a blank [showing] known as "Number 16, Quartermaster's Department," how many ems of composition has he charged for?

A. Eighteen thousand six hundred.

Q. Taking the composition on it, how long would it take an ordinary compositor to set it up?

A. An ordinary job-printing office would charge \$3; his charges vary from \$11.60 to \$240.

Q. How do the charges run?

A. There are three at \$11, one at \$3.60, two at \$3, and one at \$2.40. These charges must have been made about the time of the stringency of greenbacks.

Q. Does he count the same number of ems in the blank each time?

A. No, sir; he drops from eighteen thousand six hundred to four thousand.

Q. If there were eighteen thousand six hundred at one time, should there not be the same number all the way through?

A. Yes, sir; but in some there are four thousand, some five thousand, and some six thousand.

Q. What does he charge for ruling—taking the first order?

A. Twenty-five dollars, or \$5 a thousand.

Q. Is that a fair price?

A. We will do the job for \$15.

Q. Does he charge fifty cents a token for press-work?

A. Yes, sir; all the way through.

Q. What do you say as to the press-work?

A. Work of that kind private offices will do for the same price and find their own material.

Q. Has he not doubled on that?

A. Yes, sir; he has made it three times as much as it should be.

Q. Then has he not charged three times too much?

A. "If he used double paper, which he ought to have done, he ought to have charged only once."

I hold in my hand another blank, known as "Form No. 1" of the Quartermaster's Department. This blank contains three hundred and forty-four words. Now, the Public Printer charged at one time for printing this blank, composition eighteen thousand eight hundred ems; at another time, twenty-four thousand eight hundred ems; at another time, fourteen thousand four hundred ems; at another time, seven thousand ems; at another time, six thousand five hundred ems; at another time, four thousand ems; at another time, eight thousand ems. At one time he charged for composition, press-work, and ruling, \$9.13 a thousand; at another time, \$28.52 a thousand; at another time, \$14.96 a thousand; at another time, \$6.95 a thousand; at another time, \$5.49 a thousand; at another time, \$6.88 a thousand; and so on, charging different sums at different times for printing the identical same blank. The actual cost of printing this blank, as testified to by competent witnesses, ought not to exceed two to three dollars per thousand.

There was a general concurrence of the testimony on the part of all the printers who examined the printing for the Departments that the Public Printer's charges ranged from 20 to 200 per cent. above what the same class of work could be done for by private establishments. In answer to this the Public Printer says that it makes no difference what he charges the Departments further than that by exhausting their appropriations they get less printing done, but so far as his accounts go, it makes no difference, because he makes his settlements with the Treasury, not on the basis of his charges, but on his vouchers produced for money drawn, which is true in a certain sense; but when we undertake to ascertain what our public printing is costing us we find it impossible, owing to the immense quantity of work done, and the loose and imperfect manner in which the account of it is kept, to arrive at a proper conclusion by the process of dividing the amount of money so drawn by the amount of printing done. Hence the only way by which we can approximate the cost of printing is to take individual and specific jobs of work and ascertain their

cost, and also to take the charges of the Public Printer against the Departments as a sample, as the law requires him to charge the Departments the actual cost price of each piece of work. Going, therefore, to the cost of work charged to the Departments, if we find it exorbitant, one of two conclusions follow, either that our printing is costing us, under the present system, much more than it could be done for if let out by contract, or the Public Printer is overcharging the Departments.

The Departments complain that they have no control of their appropriations and that they are at the mercy of the Public Printer, which I think is clearly the case, and from the examination we made I am well satisfied in my own mind that the Public Printer can exhaust the appropriation of any Department, and thereby create a surplus fund which he can use either in undercharging for congressional work or in such other manner as he sees fit, and that the misuse of this money would not appear in his reports to Congress, and of course could not appear in his settlements with the Treasury provided he had vouchers for the expenditures of the money which he had drawn from the Treasury.

The bill submitted by the committee provides, in my humble judgment, a remedy for this evil. Our bill does not propose to take the congressional work from the Government Printing Office. The current work for the two Houses is to continue to be done by the Government Printer, but the Department work, which consists chiefly of blank-work, can be done just as well elsewhere as in Washington; and it has been only of late years that the Department work has been absorbed by the Government Printing Office. In connection with the Department work and the subject of the prices charged for that class of work, while the Public Printer has arrogated to himself the right to fix those prices without regard to the value or actual cost of the work, and while he is found insisting that this makes no difference to the Departments, he is also found opposing the results of the inquiries instituted by those Departments. This action on his part, aside from the suspicion of wrong-doing it creates, evinces in fact a disregard of that respect which should be entertained for, and of those relations with one of the Departments of this Government which has called forth our decided disapprobation. As illustrative of this I wish to read from the testimony of D. J. Apgar of the Post-Office Department, who under the direction of the chief clerk of that Department made an investigation of the rates at which certain specified forms and blanks, used in large numbers, could be furnished by private establishments at the ruling rates. I read from pages 528 and 529 of the testimony:

Question. These blanks were all printed on stereotyped plates?

Answer. Yes, sir. I then made my report as my own judgment guided me, having ascertained these facts, and I considered that the charge for making ready for press was too much.

Q. Are you a practical printer?

A. Yes, sir.

Q. Where stereotype plates are used is it customary in private establishments to make the charge of getting ready for press?

A. No, sir; it is included in the item of press-work.

Q. What is the ordinary charge for press-work in cases where large numbers of blanks are ordered?

A. The usual price is twenty-five cents per token of every two hundred and fifty impressions.

Q. What was the charge at the Government Printing Office?

A. In every case fifty cents per token.

Q. And there was a charge in addition to that?

A. Yes, sir; \$1.80 or some other amount for getting ready for press.

Q. How much would that be in comparison with the charges made in private establishments? About what per cent?

A. The charge for press-work would be just double.

Q. Would it not be more than double including the other charge?

A. Yes, sir.

Q. How about other work, the number of "ems;" did you make a calculation with regard to the number of "ems?"

A. I only made the investigation as to one of these forms; in that case there was a charge for composition made by the hour—a charge of fifty cents an hour.

Q. What would the composition come to at the rate he charged for it on that blank?

A. He charged for the composition for three hours' work, making \$1.50.

Q. How much time would it take an ordinary compositor to set up that blank?

A. An ordinary compositor should set it up, at the greatest length of time, in one hour.

Q. Then there are two hours more charged for than should have been?

A. Yes, sir.

Q. Did you communicate with other printers in this city or elsewhere to ascertain what the same kind of work could be done for in private establishments?

A. I did, with one job printer.

Q. Did this communication sustain the result of your investigation in regard to these comparative prices?

A. I had made my report; but to satisfy myself that I was right, I went to a job office.

Q. Whose?

A. The office of Mr. Clapp.

Q. The old Public Printer?

A. Yes, sir.

Q. Now editor and proprietor of the Republican?

A. Yes, sir; I went to the foreman of the job-room to obtain from him an estimate of the price charged for press-work on this blank designated "Application for money orders," No. 1; I told him that I would want an estimate of press-work for this same number of impressions, 63,500, to be printed from sixteen stereotype plates; I told him that the paper would be furnished, as also plates; I told him the quality of the paper, its weight, and I asked him to give me an estimate for the press-work. He gave me his estimate, and it amounted to what I had fixed it at in my report as the proper charge, twenty-five cents per token.

Q. That is 100 per cent. less than is charged by the Government Printer for this blank?

A. Yes, sir.

Mr. Apgar having arrived at this conclusion, made his report to the

Department. A copy of this report was sent to the Public Printer from the Post-Office Department with a communication, and to this no reply was made.

A second letter was accordingly sent, and to this the following answer was received, (page 527, printed testimony:)

OFFICE OF PUBLIC PRINTER,
Washington, August 26, 1878.

Sir: In reply to yours of the 24th instant, I am directed by the Public Printer to say that he has no reply to make.

Yours, respectfully,

A. F. CHILDS,
Chief Clerk.

W. A. KNAPP, Esq.,
Chief Clerk Post-Office Department.

True copy.

This manner of treatment of so important a communication will serve to show the necessity of at least such a change in the system as will enable the Departments to protect themselves as well against extortion as the unjustifiable assumption of a public servant.

Our bill provides that the Department shall control their appropriations; that they shall let out the work to the lowest bidder, requiring the Public Printer to bid with outside establishments for the execution of the work.

Why is this not fair? If private parties can do the work as well, for less money, should not the Government have the benefit of the lowest prices? If the Government Printer can do the work for less than outside parties, as is contended, the letting out of the Department work by contract will demonstrate that fact and will result in giving it to him, so that, in my opinion, we could lose nothing by the experiment; but if it be true, as asserted, that the work can be done for 20 to 40 per cent. less than now, why should we not save to the Government the two or three hundred thousand dollars annually which would accrue from letting out the work to the lowest bidder?

I could give many more examples of the exorbitant charges made by the Public Printer against the Departments, some of which are simply extortionate. I will content myself, however, with giving one more example.

It appeared in the evidence taken before what is known as the Vance committee that the Public Printer bought of Philp & Solomons a large number of blank-books. In order to cover up the transaction they were billed to him as blank paper, as follows:

The Congressional Printer bought of Philp & Solomons fifty reams of white cap paper, eighteen pounds, \$234.

Mr. Roberts, foreman of the bindery, testified before our committee that although the books were bound when purchased, the Public Printer charged the Treasury Department, to which they were delivered, the full price for binding them, together with 15 per cent. additional for wear and tear. (See pages 469 and 470 of testimony.) The excuse offered for thus buying the books ready bound instead of binding them at the Government Printing Office was that he could buy them ready bound cheaper than he could bind them. A poor argument, it occurs to me, for those who claim that work is being done as cheaply at the Printing Office as elsewhere, and unpardonable when it is considered that he furnished them to the Government at the same rate that he would have charged had he bound them himself.

PURCHASE OF MATERIAL IN OPEN MARKET.

A former investigation by a committee of this House discloses the fact that gross abuses and irregularities have been constantly growing out of the purchase of material by the Public Printer in open market. For example, it was shown by the testimony taken before the Vance committee in 1876 that the Public Printer instead of buying his gold-leaf from manufacturers or dealers in that article at the lowest rate, bought it from one Garner, who was not a dealer, but who bought from a dealer himself, and in turn sold it to the Public Printer at a large profit. The total of the sales thus made aggregated \$13,343.50. On these sales this go-between received from the Public Printer an amount of \$1,617.50 as his profit in the transaction. Again, on the sale of imitation gold-leaf, in which he had invested \$879.75 in a purchase made from a dealer, he sold the same to the Public Printer for \$1,450, making a clear profit of \$570.25 on an investment of \$879.75, which was a like profit to himself. I quote from the testimony in that regard:

By the CHAIRMAN:

Question. Did I understand you to say that you purchased \$879.75 worth of imitation gold-leaf and sold it to the Public Printer at a profit of \$570.25?

Answer. Yes, sir.

It was shown in the testimony that the Public Printer in making his purchases in open market failed to obtain for the Government that discount which is always allowed to the trade when purchases are made by private establishments, and that the purchases made invariably were made at the usual retail price.

In order to prevent the abuses and frauds growing out of purchases made in open market, and in order to secure to the Government the benefit of competition in its purchases, Congress passed a law requiring the Public Printer to buy all his material through the medium of advertisements for proposals. The language of the law itself, and the circumstances under which it was passed, conclusively show to my mind that it was the intention of Congress to include all property used by the Public Printer when by this legislative act it required the Public Printer to make all of his purchases through the medium

of proposals for advertisements. The law provided that he might buy material to an amount not exceeding in value \$50 in any six months in open market. Notwithstanding the passage of that law the committee find on investigation of the warrants of the Public Printer that Mr. Defrees has continued to buy material in open market to a greater extent since the passage of the law than before.

For example, as will be seen from his testimony, which will be found on page 77 of the evidence taken by this committee, the material thus purchased in open market before the passage of this law for the year ending September 30, 1875, was \$12,217.05, and for the year ending September 30, 1876, \$25,805.15. The act was passed in February, 1878. Mr. Defrees testifies that the amount purchased in open market from June 1, 1877, to April 1, 1878, was \$34,690.89; and, as will be found from his testimony on page 575, the amount purchased in open market for the year ending June 30, 1878, was \$59,233.73. The items of the property thus purchased in open market consisted of type and materials of that kind, and presses, chases, cases, and other machinery. The excuse which the Public Printer gives for thus violating the law is to be found in the construction which he gives to the word "material." He construes the word "material" to mean that which enters into the composition of the work, which would be substantially paper and ink; hence he claims the right to purchase all other articles and supplies needed for the Government Printing Office in open market, without, as he claims, violating the law.

TYPE.

Among the purchases thus made within the past year was type to the amount of \$41,000. The rates at which he purchased this type were as follows: For nonpareil, sixty-six cents a pound; for brevier, fifty-five cents a pound; for long primer, fifty cents a pound, and for pica, forty-six cents a pound. Mr. John G. Judd, a practical printer, was examined on this point, and testified before the committee that the principal firms dealing in type, among which he mentioned MacKellar, Smiths & Jordan, R. S. Menamin, of Philadelphia, and G. B. Ricketts, could furnish those grades of type at the following prices. I quote from the testimony of Mr. Judd, (see pages 551 and 552:)

Question. What is nonpareil worth?

Answer. I have the price-list of three different houses; that of MacKellar, Smiths & Jordan, of Philadelphia; that of R. S. Menamin, of Philadelphia, and that of G. B. Ricketts & Co., of Baltimore, Maryland. One of these puts the cost of nonpareil at fifty-eight cents a pound; a second places it at the same price. I bought the same kind two weeks ago, or three weeks ago, for sixty-two cents.

Q. What is brevier worth?

A. One of these price-lists places it at forty-eight cents, another at forty-eight, and another at fifty.

Q. What is long primer worth?

A. Two of these price-lists fix it at forty-two cents; the other house places it at forty-five.

Q. What is the price of pica?

A. About forty cents. You can buy it for thirty-eight cents.

Q. The price-lists you have been quoting from are those of houses that stand well; how do they stand?

A. They are good houses, and stand as well as any in the business.

Q. What is the name of the first house you mentioned?

A. MacKellar, Smiths & Jordan. They have a type foundry.

Q. What was the next house which you mentioned?

A. That of R. S. Menamin, of Philadelphia. They will supply anybody with any quantity of material, which is a good wholesale jobbing house.

Q. How do the prices of these houses you have named compare with the prices charged by Bruce, Son & Co.?

A. The latter are just the same as MacKellar, Smiths & Jordan's.

Q. You say that if these goods, printing materials, were bought in large quantities, that there would be a reduction of from 5 to 10 per cent. from these prices named in these price-lists?

A. Yes, sir; if bought for cash, certainly a reduction of 5 per cent., or if bought at thirty days; we get these rates buying at sixty or ninety days.

Thomas J. Brady, Second Assistant Postmaster General, who owns a printing establishment in Indiana, testified that on a recent purchase of material made by him amounting to \$3,000, he, by inviting competition among the manufacturers and dealers, obtained a discount on his purchases from the list price, which is that to which I have just referred, of from 10 to 43 per cent. The testimony shows that of the type thus bought no inventory or account is kept, and it is impossible for any one to know except perhaps by an examination of all the receipted vouchers for type that has been purchased, to form any estimate, or to ascertain in any manner the quantity of type that has been bought for the establishment. The receipts would only show the quantity purchased and would not show the quantity delivered; no inventory or account being kept of the type, and a dishonest Public Printer by collusion with the type dealer or manufacturer could defraud the Government out of thousands of dollars by paying for type alleged to have been purchased but never delivered, and it would be impossible to detect the fraud.

A. H. S. Davis, foreman of printing, who, on account of his position in the Government Printing Office, should know, if any one, the quantity of type on hand, testified that it was impossible to tell; that no account or inventory of type is kept, and no one knows the quantity or could do more than conjecture it; that he could not estimate the quantity, but would say there is at least a million pounds there, (page 94.) It is very clear to me that if the Public Printer had complied with the law in the purchase of material, and had invited competition among dealers and manufacturers of supplies and materials of all kinds used in the Public Printing Office, he could have by so doing saved to the Government many thousands of dollars annually, because any manufacturer or dealer in supplies for a printing office, such as type, presses, inks, and other kinds of supplies, could afford

to sell to the Government at a discount below the regular rates for two reasons; first, because the Government pays cash, and secondly, it is a matter of great benefit to any dealer to be able to say that he supplies the Government Printing Office with the materials and articles he manufactures. As a sample of the benefits derived from a compliance with the law I will instance the purchase of inks.

INKS.

It was developed by the evidence that the former Public Printer, Mr. Clapp, for many years bought inks in open market, and made his purchases mainly from Charles E. Johnson & Co., of Philadelphia. Under the construction of the word "material," as given by Mr. Defrees, he advertised for proposals in the matter of the purchase of inks. The result was that inks for which Mr. Clapp paid Johnson & Co. sixty cents, \$1, \$2.50, and \$5 per pound, are now purchased under the present system at from thirty-five to forty cents a pound. I quote extracts from the testimony of Mr. Collins and Mr. Defrees with reference to the prices of inks.

Mr. Defrees says, on page 21:

By Mr. FINLEY:

Question. Under this system of opening up the matter to competition to everybody—to all manufacturers of ink—have you found that the Government Printing Office has been enabled to procure ink cheaper than before that; and, if so, how much cheaper, if you know?

Answer. That competition resulted in a very great reduction of prices. The cylinder-press inks under the present contract are furnished at twelve cents a pound; under the old contract it was sixty cents a pound. Adams-press ink is now twelve and a half cents; under the old contract it was thirty-five cents a pound. What we call cut inks are now thirty cents a pound; under the old contract they ranged from \$1 to \$5 a pound. Bullock-press ink is now nine and a half cents a pound; under the old contract system it was thirty-five cents.

On page 540 Sheldon Collins says:

Question. Please look at this Exhibit I, found on page 128 of the testimony of O. H. Reed, which purports to give copy of the bids for ink during Mr. Clapp's administration, and state to the committee whether that is the character of proposals that you have referred to as given out.

Answer. That is exactly what I saw.

Q. Now, you will notice that it is put down "20 barrels of printing-ink, C. E. Johnson's, 35 cents per pound." Do you know what that kind of ink was worth?

A. It is very ordinary ink—the thirty-five-cent ink.

Q. What was that thirty-five-cent ink used for?

A. It was used for—many different printers have a fountain, and some use good ink and do not change it; others will use different ink; in particular work they will use good ink, and a poorer ink for ordinary work.

Q. This sixty-cent ink and this ink at a dollar a pound, and this forty pounds of printing-ink, blue, at \$2.50 a pound, and this printing-ink, red, at \$5 a pound—I want to inquire how these prices compare with the ruling prices at that time. This was in 1875.

A. I think the large proportion of our inks of very good quality was sold at that time, in small quantities, at from thirty-five to forty cents a pound—the same quality of ink as that put down here at sixty.

Q. This ink which he bought, here advertised at \$5 a pound, this cut-ink, what was that used for?

A. It is called card ink; that is what they use it for. I think we are selling that ink in quantities for \$2; probably that was the amount; I would not swear to it.

Q. In that connection let me inquire whether in cases where you sold a large quantity of ink there was not always a reduction on the price?

A. Always.

Q. How much—what per cent. where purchases were made in quantities at a time of, say, twenty barrels?

A. It would probably be a reduction of 33½ to 40 per cent., perhaps, on a basis of ink at a dollar a pound.

Q. Was it not customary among manufacturers at that time to allow from 33½ to 40 per cent. in cases where contracts were made for large quantities?

A. That depends upon the starting-point; if you take ink sold at a dollar a pound that did not cost over thirty cents a pound, of course a reduction of 40 per cent. could be readily made; but some inks, book inks, sold for twenty-five or thirty cents and cost probably ten or eleven cents a pound, there the reduction would not be so large.

Again, on page 542, he says:

Question. Were you ever an applicant to the Public Printer desiring to sell ink?

Answer. Oh, yes, sir. Fifteen years ago I sold ink to Mr. Wendell.

Q. Did you ever sell any to Mr. Clapp?

A. No, sir.

Q. Do you know what kind of ink that volume of the Revised States which you have examined was printed with?

A. I cannot tell, sir. No one can tell by the work what the cost of the ink was; only if the work was dried and glossy and the ink did not rub off, I should say that it was forty-cent ink. I can show work done with forty-cent ink much handsomer than that.

I will mention at this point a fact which it would have been proper for me to have referred to in connection with my remarks upon the cost of work performed for the Departments. Since the testimony clearly shows that the prices charged for work done for the Departments is not only made without reference to the real cost or value of the work, and that in all cases those prices charged exceed the rates which the work could be done for in private establishments, it would follow inevitably that the work furnished by the Government Printing Office was not done at the lowest possible rates at which it could be furnished were it not for the assumption of the Government Printer that those prices are equalized by the prices charged for congressional printing. By this system he says that it makes no difference what charges he does make, since the Departments and Congress combined do receive in printing and binding a full return for the money expended; but if the charges made against the Departments do exceed the true value of the work, and the charges made for congressional printing are not largely below the amounts at which the work could be done in private establishments, this is not true.

As illustrative of the fact that the congressional printing is not done at rates below those at which it would be done by private establishments, I desire to call the attention of the House to the comparative

statements made respectively by the Public Printer and J. A. Wagoner, a printer and binder in the city of Philadelphia, as to the cost of printing and binding respectively the report on forestry and the statistics or report of forest products. By these statements it will be seen that the difference in the cost is almost inappreciable, and when it be taken into consideration how great are the advantages possessed by the Government Printing Office, its host of salaried officials, its improved and costly machinery, its entire freedom from the payment of rent, the immense quantity of work committed to its charge, it affords an irresistible proof of the fact that the rates charged by private establishments are in reality lower than those of the Government Printing Office for work ordered directly for Congress. I will read these two statements together. They are found on pages 346, 347, and 348 of the testimony of Mr. Childs, chief clerk at the Government Printing Office:

EXHIBIT B—May 31, 1878.

OFFICE OF THE PUBLIC PRINTER.

Washington, January 23, 1878.

SIR: In compliance with your verbal request of yesterday, I send you the estimated cost of the Report on Forestry; also, on Statistics of Forest Products.

The estimate gives the cost of the first thousand, and of each additional thousand, on both fifty-pound tinted and forty-five-pound white printing-paper.

Details of cost.	Report on Forestry.		Statistics of Forest Products.	
	Fifty-pound tinted paper.	Forty-five-pound white paper.	Fifty-pound tinted paper.	Forty-five-pound white paper.
Composition.....	\$960 00	\$960 00	\$1,050 00	\$1,050 00
Stereotyping.....	400 00	400 00	105 00	105 00
Press-work.....	150 00	150 00	48 00	48 00
Paper.....	259 88	179 55	84 65	58 49
Binding.....	130 00	130 00	130 00	130 00
First thousand.....	1,899 88	1,819 55	1,417 65	1,391 49
Each additional thousand.....	539 88	459 55	262 65	236 49

Yours, respectfully,

A. F. CHILDS,
Chief Clerk.

Hon. P. C. HAYES,
House of Representatives.

Question. In this connection I call your attention to a letter of January 26, 1876, from J. A. Wagoner, commercial printer and binder, No. 26 North Sixth street, Philadelphia, containing a bid for the same piece of work here inquired about, the "Report on Forestry," the details of which are as follows: For fifty-pound tinted paper he puts the item of composition (for which you estimate the charge at \$960) at \$875; the stereotyping (which you estimate at \$400) at \$360; the press-work (which you estimate at \$150) at \$85; the paper (which you estimate at \$259.88) at \$250; the binding (which you estimate at \$130) at \$125; the total estimate for the first thousand copies (which you put at \$1,899.88) at \$1,695; and the amount for each additional thousand (which you estimate at \$539.88) at \$460. For the forty-five-pound paper, the composition (which you estimate at \$960) he puts at \$875; the stereotyping (which you estimate at \$400) at \$360; the press-work (which you estimate at \$150) at \$85; the paper (which you estimate at \$179.55) at \$172.20; the binding (which you estimate at \$130) at \$125; the total cost of the first thousand (which you estimate at \$1,819.55) at \$1,632.20; the cost of each additional thousand (which you estimate at \$459.55) at \$397.25. The question I now put to you is this: If you are under no expense on account of the details incident to your work, such as gas, machinery, rent, and all others for which a private establishment has to pay, could you not make an estimate for a job at a very much lower figure than that for which a man who has all these things to pay for could make an estimate?

Answer. I will answer by saying that, with the exception of rent, we have the same things to pay for that he has to pay for, and that the charge or the cost of these things and of materials enters into the charge for the work, and consequently into the estimate.

NUMBER OF EMPLOYÉS.

The attention of the committee was directly called to the expenditures made as appears by the pay-rolls for certain months of the years 1877 and 1878. Taking the months in the year 1877 from June to December both inclusive, and for the months of January and February during which period Mr. Defrees has been in charge as the Public Printer, it appears that the number of employés under Mr. Defrees's administration is largely in excess of the number employed under Mr. Clapp's administration. I quote from the testimony of Henry T. Brian, formerly foreman of the printing in the Government Printing Office, from page 417 of the printed testimony:

By Mr. FINLEY:

Question. I find from a document that I hold in my hand, that has been furnished by the Public Printer, that in the month of January, 1878, there were employed in the Government Printing Office twenty-one hundred and sixty-six hands. This statement gives the number of persons employed in the Government Printing Office in the months of June, July, August, September, October, November, and December, 1877, and January and February 1878, the lowest number in any one month being fifteen hundred and fifty-five, which was June, and the highest twenty-one hundred and sixty-six, the average being seventeen hundred and sixty-seven. From your knowledge of the ordinary run of work that is done in the Government Printing Office, how do you say that will compare with the number of employés previous to the time of Mr. Defrees?

Answer. I think it is a great deal in excess.

Mr. Defrees has not only thus increased the force, but he has also increased the salaries and compensation of a large number of the

officers and employes without authority of law, although the prices paid for labor at other places have largely decreased since the Government Printing Office was under its former administration. On this point I quote again from the testimony of Mr. Brian, on pages 417 and 418:

Question. From another paper that I hold in my hand, furnished by the Government Printer, you will notice that he has increased the pay of the persons therein named. For instance, his assistant foremen he increased from \$5.33½ to \$5.75 per day; another assistant from fifty-three cents an hour to \$5.33 a day; another from fifty cents an hour to \$5.33 a day; another from forty cents an hour to fifty cents an hour; another from forty cents to fifty cents an hour; another from \$5.16½ to \$5.75 a day; in short, he has increased the pay of those classes of workmen, assistant foremen, makers-up, imposers, &c.—thirty-two of them—as shown by this paper. What do you say, having a due regard to economy in the public printing, as to whether that was necessary or not?

Answer. I think it was not necessary. Some of these men are getting pay in excess of the sum allowed by law.

Q. How many of them?

A. The law reads that "printers and bookbinders shall not receive more than forty cents per hour."

Q. Do you find that he has increased some of them?

A. They should be either printers or bookbinders. The assistant foremen may, perhaps, be increased under the law, and the laborers, as they are not printers, but the makers-up should not, as they are printers, or should be, otherwise I would not have them there. Eleven of the makers-up he has increased from forty cents to fifty cents an hour; ten imposers from forty cents to forty-five; one maker-up from forty to fifty-three cents an hour. He is a printer.

Q. What is the pay of a printer, by law, in the Government office?

A. Forty cents an hour.

Q. You say that unless a man is a printer he has no business in that establishment as a maker-up?

A. Yes, sir.

Q. What has he increased the makers-up?

A. From forty cents to fifty cents an hour, according to this statement.

Q. Now, I wish to ask you have wages decreased everywhere instead of increasing, since Mr. Defrees came into office; in other words, are not the current wages throughout the country less now than they were when these changes were made?

A. Yes, sir; they are less now than they were a year ago.

Q. Instead, then, of making the wages less he has increased them?

A. Yes, sir; that appears to be so.

I further quote, from Mr. Brian's testimony, on page 418, where he says:

Question. In answer to a former question, you said that these seventeen hundred and sixty-seven employes, the average number of employes in the Printing Office, was greatly in excess of the number employed during Mr. Clapp's administration. Do you say that that number is in excess of the number needed to do the work there?

Answer. I cannot answer that question, as I do not know the amount of work that is done.

Q. What do you say, then, as to the time you were there?

A. We always kept enough to do the work to advantage.

Q. Of this number there are one hundred and twenty-six laborers, twenty of whom are in the document-room. What have you to say to that; are twenty laborers needed there?

A. I should say that not more than half that number is needed; six or seven would have been plenty in that room during the time that I was there.

Q. Do you know if the labor has increased?

A. I had all the laborers that I could work to advantage.

Q. There are twenty-eight laborers in the press-room; what do you say to that number being required? That is the statement furnished by the Public Printer.

A. If they need twenty in the document-room, I think they ought to have forty in the press-room.

Q. What do you say to twenty-eight in the press-room; is that too many or too few, or enough?

A. I should say it was too many.

Q. How many could do the work, if the work was the same as when you were there?

A. We had about twenty.

Q. There are two in the drying-room; are they needed there?

A. Yes, sir; I think that it is a small number for that room.

Q. There are seven in the job and specification rooms; are they needed there? How many would be enough to do the work?

A. I think three would be sufficient.

Q. There are ten in the RECORD room; how many do you say are required there?

A. Three.

Q. There are twenty-three in the folding-room; how many do you say are needed there?

A. About five could do the work in that room, unless he has got the wagoners included.

Mr. FINLEY. No; these are laborers in the folding-room.

Q. There are thirty-six in the bindery.

A. I don't know how many they want there; I could only guess at that.

Q. Look at this paper which I hold in my hands, a report of the Public Printer, giving the number of presses in the Government Printing Office at fifty-four and the number of hands employed running those presses at one hundred and seventy, including pressmen, feeders, paper-wetters, &c. In addition to those charged to the press-work account, there are twenty-three hands, counting the engineer, machinist, stablemen, and drivers, the total number to the account being two hundred and four hands; state how many there should be.

A. Let me answer that in detail. Fifty-four presses, thirty-one pressmen and five apprentices. That is five too many. Taking into account that some of them are run at night makes sixty running. Lady feeders, ninety; seventy-five would be a large number. Laborers, paper-wetters, &c., forty-three; I should think thirty ought to be enough.

Q. Now as to this other corps of hands, making a total of two hundred and four; what do you say as to that?

A. He has got five carpenters; I think they ought to get along with two. He has six laborers in the yard; two ought to be enough.

As a further proof of the fact that the number of hands employed was unnecessarily large I shall refer briefly to the Murtagh contract. By an examination of the pay-roll for the month of June 9, 1875, of ninety-two of the employes, which is on pages 338 and 339 of the testimony, it appears that in that month Mr. Murtagh employed ninety-two of the Government printers, paying them various sums. The withdrawal of this large number of employes did not interrupt the work of the office.

Daniel W. Beach, on page 242, testifies:

Question. While these men were employed in working for Mr. Murtagh, were other men substituted in their places in the Government Office?

Answer. Down stairs!

Q. Yes.

A. No, sir.

Q. How did the work progress in the Government Printing Office?

A. It went right along.

Q. Just as usual?

A. Yes, sir.

A more important fact in connection with this pay-roll results from a close scrutiny of it. Daniel W. Beach was one of the employes whose name was on that roll; although paid \$60 by Murtagh he was paid by that roll \$112.67 for twenty-six days' work for the office. An examination of the roll presents a somewhat similar case as to almost every one of these ninety-two employes. The fact was made apparent to the committee that this increase of force was so unnecessary and uncalled for as to amount to extravagance and in its view contrary to that spirit of economy which should actuate the conduct of a public officer charged with so grave and responsible a trust.

THE GUARDIANSHIP OF THE PUBLIC PRINTER.

The testimony taken by the committee with reference to the care with which the Public Printer has guarded the property of the Government confided to his charge, shows conclusively that abuses have been permitted in this respect which demand the condemnation of Congress.

One of the most glaring of these abuses has been the manner in which he has disposed of the public property in the shape of material purchased by him for the use of the office. The investigations of the committee revealed the fact that during a period of seven years through which our researches extended, the Public Printer expended for presses and machinery the sum of \$100,000. Of the presses purchased during this time twenty-one were purchased at a cost of \$3,000 each, and within the same period twenty of them were sold for the sum of \$600 each. In the case of the presses sold to R. Hoe & Co. the testimony of John Larcombe, the financial clerk of the Government Printing Office, is as follows, on pages 279 and 280 of the printed testimony:

Question. I find among the entries on your book, as one part of the amount of \$52,566.66 which was turned into the Treasury as money realized from the sale of documents, waste paper, &c., an amount of \$3,000 from R. Hoe & Co., under date of December 17, 1875. Where did that come from, and what is it?

Answer. That was the proceeds of a sale to R. Hoe & Co. of four Adams presses and four Gordon presses.

Q. Who sold those presses to Hoe & Co.?

A. The Congressional Printer.

Q. Mr. Defrees?

A. No, sir; Mr. Clapp was the Congressional Printer at that time.

Q. You kept the books then?

A. Yes, sir; as now.

Q. Who fixed the price for those presses?

A. Mr. Clapp, by virtue of an agreement between him and Messrs. Hoe & Co.

Q. I find also, by reference to your books, that Hoe & Co. sold to the Public Printer the following articles: one press for \$3,000, four presses for \$11,200, two presses for \$4,800, and some other materials, such as extra fountains, machine bits, &c., making an amount, all told, of \$19,473.80?

A. That is correct.

Q. You say that Hoe & Co. bought of the Public Printer eight presses for \$3,000?

A. Yes, sir; they agreed to buy those from him.

Q. You say the price was fixed between them?

A. The price named was agreed upon between Messrs. Hoe & Co. and the Congressional Printer.

Q. For how long had those presses been here?

A. I do not know.

Q. By what authority of law, if any, did Mr. Clapp sell those presses out of the establishment?

A. I do not know of any authority of law for it.

Q. Do you know for how long he had had those presses?

A. I do not know.

Q. Or how much they had been used or what they were worth?

A. I do not.

Q. In short, then, the Public Printer sold to Hoe & Co. eight presses for \$3,000, and paid Hoe & Co. for seven presses a sum in the neighborhood of \$19,000?

A. Yes, sir.

Q. Mr. Clapp, in his report as Public Printer, returns that under the head of "etc." does he not?

A. Yes, sir.

Q. Referring now to the report for that year made by Mr. Clapp as Public Printer, under the law requiring him to make a statement of the money turned into the Treasury, I find the following: "During the year ending September 30, 1876, there was actually realized from the sale of documents, waste paper, &c., the sum of \$52,566.66." Now, you have ascertained that the amount realized from the paper was \$18,370.61, from the documents, \$8,019.98, from the RECORD, \$21,587.06, making a total of \$47,977.65; consequently this sale of presses, amounting to \$3,000, is included among the amounts which the Public Printer returns as "etc."?

A. It is.

Nor was this the only transaction of the kind; for, as appears from the testimony, Johnson & Co., who at that time furnished the Government Printing Office with inks, purchased from the Public Printer nine presses and an engine for the sum of \$7,100.

I desire here, Mr. Speaker, to call the attention of this House to an important feature involved in this outlay for the purchase of improved machinery, which it is claimed increases the facilities of the office, and that is the fact that the introduction of this machinery does not tend to lessen the number of employes, and consequently, to the extent at least of the amounts expended in these purchases, increases the expenses of the office. On this point I read from the testimony of John D. Defrees, on page 17:

Question. Since you bought that press, have you reduced the number of hands—feeders or pressmen—in that department?

Answer. No, sir; I have not. The Adams pressmen are kept on other work now.
 Q. You were able to do all the work before you got this press?
 A. It was done, of course, but not to the same advantage.
 Q. But since you got the press you have not reduced the number of your hands?
 A. They are employed at other work.
 Q. If you were able to do all the work before, where, then, is the gain?
 A. The pressmen who were formerly employed are now on other work, and we have less overwork.

The most that can be said with reference to sales of this kind of the machinery of the Government would be to admit that the machinery sold was no longer available, and that the highest price possible was obtained for this property. There is no proof in the record to sustain either of these propositions, and beyond this the circumstances attending these sales, involving such large sums of money, are of a character to create the gravest suspicion.

Why should not the practice of the Departments be followed, and the property duly condemned? This would go far to prevent an abuse which if not conceived in fraud, presents a picture which should be closely scrutinized, and which in all probability when brought into the full light of day would be found to be a sham and a delusion. But the Public Printer has not confined himself to the sale for cash of this machinery.

Among the specifications embraced in the charges brought against Mr. Defrees by Mr. Helm is "specification 4 of charge 2;" which reads as follows:

Charge 2.—Disposal of Government property without securing to the Government compensation therefor.

Specification 1.—John Cunningham, formerly Defrees's foreman, obtained two power-presses without paying therefor. Mr. Clapp, Defrees's successor, accidentally heard of the fact and compelled said Cunningham to pay a portion of the worth of the presses. There was nothing on the books of the office to show that the presses had been sold, and it was, no doubt, the agreement that they were not to be paid for.

The testimony of Mr. Helm on these points, which appears on page 425, reads as follows:

Question. How is it about John Cunningham, Defrees's former foreman, obtaining two power-presses without paying for them? Do you know what they were worth?

Answer. I do not, sir. It was before my time. Mr. Clapp succeeded in collecting something for them. He accidentally heard of the fact that Cunningham had taken them away from the office, and I believe he collected a part of their value.

GOLD-LEAF.

The testimony of Mr. Roberts, the foreman of the Government bindery, with regard to the amount of loss resulting to the Government, discloses the fact the Government has for years been a heavy loser through the want of care exhibited in the bindery of this waste gold-leaf. According to his testimony, the annual expense incurred in the purchase is not less than \$7,000. Of this amount 50 per cent. is waste, and this has never been accounted for to the Government until May 1, 1877, when sales were made of this waste gold-leaf to the amount of \$394.82. Prior to that time it was taken by any one in the bindery who wanted it, unless it was regarded as one of the perquisites of certain favored employes or officers.

But this want of due care of the interest of the Government with respect to this article was not confined to the waste gold-leaf. It entered also into its purchase. Mr. Roberts's testimony, on page 421, reads:

Question. Yes, sir; state what you know now with reference to that transaction. Do you not know that George W. Garner, on the 15th day of March, 1876, sold to you a quantity of gold-leaf for the sum of \$879.75? Do you know of that transaction, and did you know of it at the time that it took place?

Answer. No, sir; I did not at that time, and do not remember it yet.
 Q. Did you buy that gold-leaf from Garner?
 A. I bought it from Campbell & Co.
 Q. What connection had Garner with the firm of Campbell & Co.?
 A. He was one of the firm.
 Q. Are they gold-leaf manufacturers?
 A. No, sir.
 Q. What business are they engaged in?
 A. They are furnishing all kinds of supplies for book-binders' use.
 Q. Were they manufacturers of imitation gold-leaf?
 A. No, sir.
 Q. Are they manufacturers of gold-leaf?
 A. No, sir.
 Q. How did you come to buy this of them if you knew that they were not manufacturers either of imitation gold-leaf or of gold-leaf?
 A. There was no particular reason for buying from them except that they were dealers.
 Q. Were they manufacturers?
 A. No, sir.
 Q. Did they allow you a commission or a drawback on the amount of this purchase?
 A. No, sir.
 Q. There was no drawback allowed to the Government Printer or to any one connected with the establishment?
 A. I do not know of any.
 Q. In what manner was this purchase negotiated?
 A. This is a matter I am not acquainted with and in which I could give only my impression.
 Q. Did you make the purchase?
 A. I gave an order for the purchase.
 Q. Did you make the negotiations?
 A. I gave the order for the purchase.

This gold-leaf, together with a quantity of imitation gold-leaf to the amount of about \$500, the two lots costing about \$1,300, were purchased in this manner for this sum, whereas the cost of the same at a dealer's would not have exceeded the sum of six or eight hundred dollars. The proceeds of the sales of scraps amount annually to a large amount, and from the following testimony it will be seen that

the same general looseness which extends to other Government property exists in respect to these sales. Mr. Larcombe says, on page 318 of the printed testimony:

Question. Please look at this abstract taken from your books, and if there is anything wrong about it I wish you to correct it. This abstract was made from your books by an expert book-keeper, and contains the proceeds of sales made of miscellaneous articles, waste paper, paper shavings, and other articles, from June, 1861, to April, 1869, as appears by the cash-book of the Superintendent of Public Printing, and it gives the date of each sale, the name of the purchaser and article sold, and the total. Now, it appears from this abstract that in the year 1861 there was no waste paper sold at all. Is that correct?

Answer. There was some paper sold in 1861, but I am sorry to say there was nothing ever realized from it. It was a complete failure so far as the purchaser was concerned.

Q. To whom was it sold?
 A. Mr. Edward Towers.
 Q. Who was Mr. Edward Towers?
 A. He was engaged in the purchase and sale of waste paper rags, &c., in Washington at that time. He had a warehouse here.

Q. What relation was he to William Towers, now and then in the Government Printing Office?

A. A brother.
 Q. And in the year 1861 all the waste paper of this office was sold to Edward Towers?

A. It was delivered to him.
 Q. Will Towers was the chief clerk of the Public Printer at that time, was he not?

A. We did not call any one chief clerk at that time. He was considered the senior clerk, and was the father of the office.

Q. Who was Superintendent of Public Printing at that time?

A. Mr. John D. Defrees.

Q. The same man who is at present Public Printer?

A. Yes, sir.

Q. He had the sale of waste paper as Public Printer?

A. Yes, sir.

Q. Was this waste paper sold to Mr. Towers with Mr. Defrees's knowledge and consent?

A. He sold it to him himself.

Q. This is the account that you kept on your books as the sales were reported to you?

A. Yes, sir.

Q. This runs from April 27, 1861, to September 21, 1861; what became of the balance of that year?

A. From that time to the 12th of March, 1862, I have no entries here at all.

Q. Then there was no return of waste paper made to anybody during that period?

A. There may have been some sales made.

Q. If there were any sales, see where they are entered.

A. There are no entries made.

Q. Then in 1861 the Government did not realize one cent from the sale of waste paper or paper shavings?

A. I think not one dollar.

Q. What does the sale of waste paper and paper shavings amount to in a year, on an average?

A. I should think now from \$25,000 to \$35,000 a year.

I have deemed it advisable, Mr. Speaker, to refer to these different instances of wrong-doing and carelessness, not so much with a desire to impute wrong in any individual cases as to illustrate the deplorable want of system which prevails in every branch of this office.

BOOK-KEEPING.

Very intimately connected with the subject to which I have just referred—so intimately, in fact, that but for its deficiencies instances like those referred to would be impossible—is the method in which the books of the establishment are kept.

So utterly deficient is it; so utterly unsuited to the necessities and extent of such a business; so readily opening the door to peculation and fraud; and, at the same time, through this very lack of method, screening the wrong-doer from the effects of his crime, that it justifies the gravest apprehensions.

If ever temptation surrounded any man or set of men, it is to be found in the opportunities presented by the faulty, reckless, and criminally neglectful manner in which the books of that establishment are kept. It offers a premium to corruption and fraud, and the man who falls is more to be pitied than blamed, when the weakness of human nature is duly regarded.

The accounts of the Government Printing Office are supposed to be kept by its financial clerk, Mr. Larcombe. As an instance of the manner in which he kept his books, the committee procured a transcript of his cash-book, which appears on pages 447 to 451 of the testimony. The committee found that on a certain date, September 8, 1874, he had charged himself with the sum of \$10,889.93, and had balanced this account by crediting himself with a deposit of that amount in the Treasury of date of November 12, 1875. The inference to be drawn from such a condition of his books would be, since he is required by law to deposit his funds in the Treasury, that on November 12, 1875, the sum of \$10,889.93 was all of his cash on hand. On this point, to show what the real condition of his cash account was, I read from his own testimony on pages 265, 266, and 267:

Question. I find by reference to your book that on the 12th of November, 1875, you entered therein as having been deposited by you \$10,889.93, and on the debit side charged yourself with the same amount and squared the account as of that date. Look at the same book and tell the committee how much money, in addition to that \$10,889.93, you then had in your hands?

Answer. I had \$46,195.19.

Q. Where was the account of \$46,195.19, if you had any, kept?

A. It was in the books of this office, excepting a few small and comparatively insignificant items, such as the sale of an old horse or something of that sort.

Q. In what books was it kept?

A. In the books here produced, viz: "book of accounts with contractors for waste paper, book of moneys received on account of CONGRESSIONAL RECORD, and book of moneys received from the sales of documents." It is all to be found on our books.

Q. Had you entered that amount of money or charged yourself with that amount in any book in the office up to that time?

A. No, sir.

Q. When you say that it was to be found in the books of the office, you mean to be understood as saying that by an examination of all the books and all the different accounts of sales made in one place and another over the office, the amount could ultimately be ascertained?

A. All found in the office here, sir; all found easily.

Q. Had you charged yourself in any regular account with the receipt of that money?

A. I had charged myself with it, not in a book but on sheets of paper, which were kept just as carefully as any book could be kept, in a safe.

Q. So that a fair and full statement of your system, as it has been developed before the committee, would be this: When you received large sums of money from time to time for shavings, old waste paper, sales of documents and CONGRESSIONAL RECORDS, (amounting sometimes to \$5,000 and \$10,000 in one sum,) you would simply make a minute of the amount upon a sheet or sheets of paper and put that sheet of paper away in your safe. Then, once or twice a year, you would make a deposit in the Treasury of a part or the whole of that gross sum, and, after having made the deposit, you would sit down and copy from that sheet or those sheets of paper into the book before us (the only one purporting to show a record of the transactions) the items, debiting yourself with them, and on the opposite page of the book crediting yourself with a sum equivalent to the aggregate of those items, the same indicating the amount of the deposit in the Treasury. You would then square the account up to that date. Is not that a correct statement of your method of proceeding?

A. That is the fact, as far as it goes.

When it is considered that the fact was as testified by the witness himself, although he was constantly in receipt of large sums of money, amounting in the aggregate to many thousands of dollars; that this clerk, to whom eventually the proceeds of all sales went, kept his books in this form, made no report to any one, and gave no official bond, I think that I will be considered as speaking mildly when I say that the gravest condemnation which this House can visit upon such a system would be entirely justifiable.

It is unnecessary in this connection to consider in detail the accounts kept by Mr. Childs, the chief clerk of the office, who received annually from \$5,000 to \$10,000 of Mr. Collins, having charge of the sales of the CONGRESSIONAL RECORD, amounting annually to about \$21,000, or of Mr. Roberts, the foreman of the bindery, who received annually between \$100,000 and \$200,000, inasmuch as these sums passing from their hands into those of Mr. Larcombe were all regulated and accounted for eventually under Mr. Larcombe's system.

But in order to show what the relations of these gentlemen, who likewise made no reports and gave no official bonds, with Mr. Larcombe were, and that it was not within his power to determine whether they had properly accounted to him or not—or, in other words, that they were at liberty to pay over what they chose and retain what they pleased—I will quote briefly from their testimony.

Mr. Childs says, on page 336 of the testimony:

Question. There is no account kept by any one other than yourself by which any one may know whether you keep a true and correct account of the money or not?

Answer. No, sir.

Mr. Collins, on page 381 of the testimony, says:

Question. Does Larcombe keep a book in his office showing whether you have paid over all the money you have received?

Answer. No, sir.

Mr. Roberts, on page 461 of the testimony, says:

Question. When you received money from the sale of property you paid it to Larcombe?

Answer. Yes, sir.

Q. When you received money for outside binding you paid it to Childs?

A. Yes, sir.

Q. Why did you pay the amount in one case to Larcombe and in the other to Childs?

A. That is the custom of the office.

Q. Of your office?

A. Of our office—the Public Printer's office.

Q. Does Childs keep an account of the money received from you?

A. Yes, sir.

Q. Do you know anything about it?

A. I do not; I suppose he does.

Again, on page 460, he says:

Question. Do you keep an account in your establishment or not of the machinery purchased and what the cost is?

Answer. No, sir.

Q. Or of the time when sold?

A. No, sir; no account of the purchase or of the sale.

Q. By "inventory," then, you mean a list of the property?

A. Yes, sir; a list of the machinery.

Q. You have no means by your books of knowing how long any machines have been in use in your office?

A. No, sir.

Q. As I understand you, you keep no account of the sheep and calf scraps that you sell?

A. No, sir; none whatever.

Q. When you get money from the sale of these scraps or of any other property that you sell, you account for it to Mr. Larcombe?

A. Yes, sir.

Again, on page 462, he says:

Mr. FINLEY. And you gave none of it to Mr. Larcombe?

The WITNESS. No, sir.

Q. And the only account that you keep, in any instance, of the amount or value of that binding was the receipt from the chief clerk for the money handed over to him?

A. Yes, sir.

Q. And the only means the chief clerk or any one else would have of knowing the amount and value of that binding would be from your statement to the chief clerk?

A. Yes, sir.

Q. And the chief clerk, or whoever you pay the money to, must depend on your word and honesty for the amount of money paid for such work; is that a fact?

A. In some instances, and in some instances not.

Q. Now, suppose that money was paid to you for outside binding, and you put it in your pocket instead of handing it to the chief clerk, what means would he or any one else have of knowing the amount and value of that work?

A. They would have no means of knowing.

Q. Suppose you sold property—such as a press or materials of any kind—out of your department and saw fit to put the money in your pocket instead of accounting for it, what means would the Public Printer or any one else have of knowing it?

A. He would have none if I could successfully get it out of the place without any one knowing it.

Q. You say that you have sold machines and turned the money over to Mr. Larcombe?

A. Yes, sir; I suppose I have.

Q. And he had no other means of knowing whether that transaction was correct and honest save your statement?

A. He would have to ask me, if it was not in the knowledge of the Public Printer.

Q. He would have no other means of knowledge except your statement?

A. I do not know how he could.

I have said so much, and I deem it unnecessary to say more, with reference to the internal system of book-keeping pursued, and it only remains to be seen whether any more reliability attaches to the accounts kept with the Treasury of the United States with regard to the moneys deposited there and the amounts appropriated by Congress for the Government printing. The money which is appropriated for the Government printing is, upon the requisition of the Public Printer, upon certain conditions being complied with, placed to his credit, and on the books of the Treasury he is charged with the amounts drawn by him and credited with the amounts for which he files formal vouchers.

Exhibit C, January 23, 1879, on page 638 of the testimony, shows that between the dates of September 21, 1876, and May 31, 1877, the Public Printer has charged himself on his books, while no corresponding charge is found in the Treasury statement, to the extent of \$139,393.02. It also appears by this exhibit that the Congressional Printer is charged on the books of the Register of the Treasury, with the sum of \$7,554.09, while no corresponding debit is to be found on the books of the Public Printer. When it is considered in this connection that between the annual report of the Public Printer to Congress and the Treasury statement a discrepancy exists largely in excess of \$100,000, and that the only mode in which this discrepancy is sought to be explained is by acknowledging a violation of the law requiring the Public Printer to deposit unexpended moneys in the Treasury at the close of the fiscal year, it follows that prompt and effective steps should be taken to secure the establishment of such a system of checks and safeguards as shall protect the Treasury from fraud and the people from robbery.

FRAUDS.

On pages 329, 330, and 331 of the testimony is a tabulated statement prepared from the cash-book of the Public Printer and from the books of the Treasury by which it appears that a balance existed against the Public Printer of \$2,927.80. In other words, he had received during the years from 1861 to 1869, both years inclusive, from various sources, the sum of \$156,427.33, as appears by his own books, and had deposited in the Treasury, as appears on the Treasurer's books, the sum only of \$153,499.53. This money which was not deposited the Public Printer attempts to account for by crediting himself with additional clerk hire paid to a cousin of Mr. Larcombe. The particulars of this transaction are given in the testimony of Mr. Larcombe on p. 328:

Question. To whom was that \$2,928.60 for clerk hire paid?

Answer. To Mr. John H. Larcombe, who is in this city at this moment.

Q. What relation, if any, is he to you?

A. He is a cousin of mine.

Q. What have you to show that you paid the money?

A. I have his receipts at this moment.

[Witness, after a brief absence, produces certain papers described as follows.]

Q. You now produce some receipts from J. H. Larcombe. Who paid him the money for which these receipts purport to have been received?

A. I did.

Q. Were those receipts all written at one time?

A. No, sir.

Q. Do you say that those receipts were written at different times and with different inks?

A. I do say that each of those receipts was written at the time of the payment to him.

Q. Is it the usual way, in paying employees or clerks in this office, to take their receipts?

A. No, sir.

Q. How are the clerks paid, ordinarily?

A. They are paid on the regular pay roll.

Q. Why was not this man, J. H. Larcombe, paid on the regular pay roll?

A. Because he was not a clerk whose appointment was authorized by law.

Q. Then by what authority did you or the Public Printer pay out \$2,900 for which there was no provision of law?

A. The Superintendent of Public Printing took that responsibility, not me.

Q. By whom was this clerk employed?

A. By Mr. DeFrees, the Superintendent of Public Printing.

Q. This was in excess of the number which he was allowed to employ by law?

A. It was, at that time.

Q. He kept this much money that he should have turned into the Treasury and paid it to this man whom he had no right to employ?

A. If you please, sir—

Q. That is what he did, is it not?

A. That is what he did, sir.

Q. And he has never yet accounted to the Treasury for that?

A. He has not, sir.

THE PAPER ACCOUNT.

Upon an investigation of the books of the Public Printer, and comparing them with his annual reports to Congress, it was found that

in the sixteen years from 1862 to 1877, both years inclusive, the Public Printer reported to Congress that he had purchased paper to the amount of \$842,221, of which no account whatever is found on his books.

The following statement, extending from 1870 to 1877, inclusive, will illustrate in how regular a manner these differences occurred each year:

1870—As per Annual Report.....	\$496,356 55
As per Public Printer's books.....	420,185 85
Amount not on Public Printer's books, but reported to Congress..	76,170 70
1871—As per Annual Report.....	551,936 16
As per Public Printer's books.....	467,791 43
Amount not on Public Printer's books, but reported to Congress..	84,144 73
1872—As per Annual Report.....	571,596 94
As per Public Printer's books.....	504,520 91
Amount not on Public Printer's books, but reported to Congress..	67,076 03
1873—As per Annual Report.....	622,260 35
As per Public Printer's books.....	541,918 75
Amount not on Public Printer's books, but reported to Congress..	80,341 60
1874—As per Annual Report.....	446,841 61
As per Public Printer's books.....	395,981 41
Amount not on Public Printer's books, but reported to Congress..	51,760 20
1875—As per Annual Report.....	467,276 41
As per Public Printer's books.....	388,762 85
Amount not on Public Printer's books, but reported to Congress..	78,513 56
1876—As per Annual Report.....	351,777 31
As per Public Printer's books.....	297,449 47
Amount not on Public Printer's books, but reported to Congress..	54,327 84
1877—As per Annual Report.....	274,818 17
As per Public Printer's books.....	246,643 82
Amount not on Public Printer's books, but reported to Congress..	28,174 35

THE THOMAS CONTRACT.

The facts in regard to the frauds perpetrated in regard to the printing of Post-Office blanks were derived mainly from the testimony of Will. Towers, formerly chief clerk of the Government Printing Office, and Frederick Carlisle, who at the time these frauds were committed was acting as a special agent of the Treasury Department. The means by which the Government was defrauded were briefly as follows:

C. F. S. Thomas, a contractor to furnish Post-Office blanks, residing in Buffalo, New York, would make his requisition on the Government Printer for specified quantities of paper for certain purposes, and upon the receipt of this requisition the Public Printer would give an order on Mr. Bacon, the son-in-law of Mr. Thomas, who had a contract to furnish paper for the printing of Post-Office blanks. The blanks when printed were to be delivered to certain blank-agents, who were to receipt for them to Mr. Thomas, and these receipts were the vouchers whereupon the accounts of Mr. Thomas with the Public Printer were settled. Through the connivance of these blank-agents, the clerk of the Government Printer, or the Government Printer himself, with Mr. Thomas, the Government was defrauded out of a large sum of money. Mr. Carlisle, on pages 213 and 214 of the testimony, says:

Question. Did you examine Mr. Thomas's books?

Answer. Yes, sir.

Q. State what you found there.

A. I found that from April, 1860, to 1862, there were 28,176 reams furnished, costing \$83,490.64.

Q. Furnished by whom?

A. Furnished to C. F. S. Thomas in the first instance by Partridge & Curtis, and 15,750 reams (forty-four thousand seven hundred and seventy-eight dollars' worth) by Mr. Bacon. I believe that that covers all the paper of which we have any account as being furnished by the Superintendent to Mr. C. F. S. Thomas. I was unable to find upon those requisitions any statement in regard to this paper which was received from 1860 to 1862. I found it, however, on the books of Mr. Thomas. I ascertained that the entire quantity of paper received by Mr. Thomas during the period from

was 107,257 reams, costing \$358,783.04.

Q. State in what manner you found those figures.

A. The first amount as to the price I found by the requisitions, the other I found in the books of Mr. Thomas. The figures I have given have reference to the price and quality of the paper that was delivered during that period. I also found from the books of Mr. Thomas that during the same period he used in the printing of the blanks 81,832 reams of paper, at an average cost of \$273,728.04.

Q. You mean to be understood as saying that the amount which the Government actually received in printed blanks was only that which you have just stated?

A. Yes.

Q. State what was the difference between the quantity of paper received by Mr. Thomas and the quantity received by the Government in printed blanks.

A. The difference was 25,425 reams, costing \$85,055.

Q. Then, if I understand you correctly, the substance of the statement made by you from the papers known as "Exhibit G" and the books of Mr. Thomas is this: that there were delivered to him to be printed in blanks 107,257 reams of paper, of the value of \$358,783.04, for which he should have accounted by the delivery of an equivalent, or nearly equivalent, amount of printed blanks; that, instead of delivering an equivalent amount of printed blanks, he delivered only 81,832 blanks, the result of which was by that transaction a loss was inflicted upon the Government to the amount of \$85,055. Is that correct?

A. That is correct, as is shown by the statements here and by his books.

On page 220 Mr. Carlisle says:

Question. Did you examine the books of Mr. Thomas?

Answer. Yes, sir.

Q. Did you have any talk with him about the matter?

A. I did.

Q. What, if anything, did he say on the subject of this deficiency?

A. To state it in brief, he admitted that there was a deficiency in a sum about that which I have named, namely, \$125,661.31.

Q. Did he state to you the manner in which the deficiency occurred or who were implicated in the fraudulent transaction?

A. He did not.

Q. Did he name any parties other than himself as being implicated in it?

A. He did not name them, except so far as he named them in his statement of moneys paid by him. He gave me a statement of moneys paid to different parties.

Q. Did he say for what those moneys were paid?

A. For the assistance rendered him.

Q. In perpetrating this fraud upon the Government?

A. Leaving me to infer that.

By a letter written by Mr. Thomas to Mr. Carlisle, of date July 8, 1869, which appears on page 227 of the testimony, the manner in which the fraud was committed is made to appear:

Question. Would it be proper to assume that false vouchers have passed through the office of the Superintendent of Public Printing during the series of years here spoken of, amounting to a sum of from \$150,000 to \$250,000, without their character being known to Mr. Defrees, upon any supposition other than the one that he neglected his duty to personally inspect and keep watch over the business of the office.

Answer. I had supposed that I had answered that question yesterday.

Q. I am aware of the answer which you gave yesterday, but the question as now stated is in a form different from that in which it was stated yesterday.

A. Those frauds could not have been successfully carried on had Mr. Defrees supervised the inspection and adjustment of the accounts as was required by the law.

Q. State whether the paper which I now exhibit purports to be a letter written by C. F. S. Thomas to you under date of Springfield, Missouri, July 8, 1869.

A. It does.

Q. Whose is the signature appended to that letter?

A. It is the signature of C. F. S. Thomas.

Q. I find, by reference to this letter to you from Mr. Thomas, the following passage:

"This half-sheet story makes up the bulk of the deficiencies, aside from the matter of short-weight paper. This short-weight paper was understood at the time of making the contract. I say 'understood'; I mean by the parties who made the contract—myself and the Superintendent of Printing."

What is that "short-weight paper" of which he speaks in this letter?

A. I suppose it is the paper which is short in weight in the aggregate; a paper of a certain weight that was short for printing. I cannot explain further as to that, because I am not practical printer enough to be able to give the exact interpretation of the term. I am unable to give the desired explanation.

Q. Was his meaning in the allusion he makes to "short-weight paper understood at the time of making the contract" this, that he should have the right to deliver short weight?

A. That was the inference that I drew from it; that a certain class of paper was delivered at a weight shorter than that which the contract required.

The testimony taken on this point was voluminous, and the frauds were thoroughly shown. I refer to this matter here as a further illustration of the looseness which prevails in all branches of the Government Printing Office. Through the labors of the committee many similar instances of wrong-doing, many irregularities, and frauds were brought to light; but I have cited cases enough I feel assured to make it manifest that a complete and radical change must be made in every branch of this office.

In conclusion, Mr. Speaker, I wish to call the attention of this House to the manner in which it is sought to make of this Printing Office a mere political machine—a practice utterly abhorrent to the spirit of our institutions and destructive of the efficiency of the office itself. I desire to quote from the testimony of Mr. Helm, Mr. Brian, and Mr. Judd with regard to this.

Mr. Helm says, on page 421:

Question. Did you leave voluntarily or were you discharged?

Answer. I was discharged.

Q. When did you receive your notification of discharge?

A. About one month before Mr. Defrees was Public Printer.

Q. Was it done by letter?

A. Yes, sir.

Q. From whom was the letter?

A. From Mr. Defrees.

Q. What reasons did he give?

A. He said he had somebody else whom he wanted to put in the place.

Q. No objection made to your competency and ability?

A. On the contrary, he assured me that he believed I had filled the place satisfactorily in every way.

Q. But he had some other man whom he wanted to put in there?

A. Yes, sir.

Q. Well, what knowledge, if any, do you have as to how that spirit of reform was carried on by Mr. Defrees with regard to other persons in that establishment on his in-coming to office?

A. To the best of my knowledge, he discharged the best men he had there. I would like to instance Captain Brian, a man whom I think one of the best possible for the place.

Q. The man we had on the witness-stand yesterday?

A. Yes, sir; I think he was better fitted for the place than anybody else in the United States.

Q. How does the man he put in his place compare with Captain Brian for ability, according to your judgment?

A. To the best of my judgment he knows nothing about the business.

Q. Do you mean Mr. Davis?

A. Yes, sir.

Q. Captain Brian was foreman of the Printing Office, was he not?

A. Yes, sir.

Q. What knowledge of the business did he have, and with what ability did he conduct that department while he had charge of it? Give the committee what you know on that subject.

A. I know he was thoroughly acquainted with the printing business. I think he has the best executive ability of any man I ever saw in such a position, and he devoted his whole time and energy to it, night and day, for about seven years, and run the office as it was never run before or since.

Q. Tell us what you know about what executive ability and skilled knowledge in the art of printing his successor, Mr. Davis, has.

A. I know very little about his executive ability, sir; I was there, I think, one month under him. I had known him previously, and I never thought much of his ability as a printer.

Q. What knowledge and experience did he have?

A. I think he published a country newspaper for two or three years, up in Maine, some place.

Q. Do you know through whose influence he got that place?

A. I have always understood that it was through Senator Blaine; I have no positive knowledge.

Q. The position of foreman of printing is a very responsible one, is it not?

A. The most so of any there; in fact, I consider it more so than that of the Public Printer himself.

Q. What position did Mr. Davis hold, if any, in the Government Printing Office, and what experience had he in the Government Printing Office before he was appointed to that position?

A. He was a copy-holder.

Q. What does a copy-holder have to do?

A. He reads the copy for the proof-reader.

Mr. Brian says, on page 410 and 411:

By Mr. FINLEY:

Question. What position, if any, do you hold in the Government service?

Answer. I am temporary clerk in the War Department.

Q. What experience, if any, have you had as a practical printer?

A. I served an apprenticeship for four years and I worked since that, up to last June, as a practical printer. I was about seven years foreman of printing in the Government Printing Office.

Q. Give the date when you took charge of the Government Printing Office as superintendent of printing and when you quit?

A. I was appointed assistant foreman of printing in April, 1870, to the best of my recollection, and I quit the Government Printing Office June 1, 1877.

Q. You went out with Mr. Clapp?

A. Yes, sir.

Q. When Mr. Defrees came in?

A. Yes, sir. I received a letter from Mr. Defrees a month before he came in stating that he did not want me.

Q. Do you know of his dismissing anybody else at the same time?

A. Yes, sir; he dismissed the chief clerk and two of my assistants, to the best of my recollection. I should like to file Mr. Defrees's letter, and I herewith make it an exhibit in connection with the answers to this question.

A.—June 10th, 1878.

BERKELEY SPRINGS, WEST VIRGINIA, May 5, 1877.

DEAR SIR: I deem it proper to say to you that I wish to make a change in the foremanship of the Government Printing Office on the 1st of June next.

In determining to make this change, I do not wish it understood as questioning your fitness for the position, but it is for other considerations satisfactory to me.

Yours, &c.,

JNO. D. DEFREES.

Captain HENRY T. BRIAN,
Washington, D. C.

P. S.—Major Davis, of Maine, will be your successor.

J. D. D.

Q. What was the chief clerk's name?

A. H. H. Clapp.

Q. Who were your assistants that he dismissed?

A. Mr. Robinson and A. J. Donaldson. After that he discharged another of my assistants, M. D. Helm.

Q. Mr. Robinson was one of your assistant foremen?

A. Yes, sir.

Q. Was he a competent man?

A. I considered him such, or I would not have had him in that position.

Q. Do you know that he was?

A. He was, to the best of my judgment.

Q. How did he compare with the man who was put in his place?

A. I considered him a superior hand in every respect.

Q. How did he compare with his successor?

A. I considered him a superior man.

Q. How was Mr. Donaldson; was he competent to fill the place?

A. He was competent.

Q. How was his competency in that regard as compared with his successor?

A. I don't know; I didn't know his successor.

Q. What reason did Mr. Defrees give for discharging you gentlemen?

A. Mr. Defrees wanted my place; I have no doubt that he considered me competent, but he wanted my place for some one else.

Q. To give it to somebody else?

A. Yes, sir, that is my recollection; but the letter will show.

Mr. Judd, on page 443, says:

By Mr. FINLEY:

Question. What is the greatest curse?

Answer. The Government doing the work that its citizens ought to do. I regard the Government running a large establishment like the Government Printing Office, which its citizens ought to, as the greatest curse of the country; as, by so doing, it places such a system under the control of political influences.

By Mr. BURDICK:

Q. What do you know about the Government Printing Office being controlled by political influences?

A. That is so plain that he who runs may read. No man, however competent, could get a situation there without the influence of a Senator or a member of the other House. The Senators generally claim the places in that establishment.

By Mr. FINLEY:

Q. From your knowledge on this subject, I shall ask you if Senator ANTHONY or some other Senator should recommend to the Government Printing Office a compositor, pressman, or other employé for a place there, whether under the system by which that establishment is run the Government Printer would dare to refuse him, that man, a place, no matter what his qualifications might be?

A. I don't think he would dare to refuse. If the recommendation was worded in very nice language, for instance: "If you can do anything for the bearer please do so, and oblige," &c., the Government Printer might, possibly, not regard it; but if it were an imperative request, such as: "Appoint this man, &c.—ANTHONY"—that man would be appointed in five minutes, no matter what his qualifications might be.

Q. What are your politics?

A. I was a republican before slavery was abolished, but since that time I have become so disgusted that I am nothing. I never vote. I never held a political appointment in my life. I never asked for one, and never worked for the Government but for four months, and then by request.

By Mr. BURDICK:

Q. When you speak of the Government Printer being influenced in his appointments by Senators, do you refer to the former Government Printer or to the present one?

A. I regard them as both alike so far as that is concerned. I think Mr. Clapp

ran that office very successfully. I never did blame Mr. Clapp for the blunders attributed to him.

Q. When Mr. Clapp was there he was an officer of the Senate?

A. Yes, sir.

Q. Mr. Defrees is not an officer of the Senate?

A. The office is changed in name only, but not in nature.

By Mr. FINLEY:

Q. Do you mean that he is a creature of the Senate?

A. Yes, sir; I mean exactly that.

In the face of this testimony, with this record which I have been enabled through the labors of our committee to place before this House, there can be but one opinion, and that is, that it has been demonstrated that the system of book-keeping is a farce and opens wide the door to speculation and fraud; that speculation and fraud exist and are only prevented from being more generally and thoroughly exposed by the absence of books of account; that the system under which purchases of machinery and material are made would disgrace the most insignificant tradesman were he to employ it; and that the Government is saddled with a heavy burden, for the assumption of which it does not receive a fit recompense; and, finally, that instead of being an institution, as it was designed, to aid in spreading throughout the land those ideas and that knowledge worthy of living in the future, it has become the medium for violating the highest principle embodied in our Constitution, the political freedom of our citizens.

Pensions to Soldiers' Widows, Mothers, and Sisters.

"We have fulfilled the contract with the wounded and disabled soldier."

"It is our duty to fulfill the contract with the widows, dependent mothers, and sisters of deceased soldiers."

"The pension of the deceased soldiers survives to the widows, dependent mothers, and sisters during their lives."

SPEECH OF HON. A. W. CUTLER,

OF NEW JERSEY,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 28, 1879,

On the bill continuing the payment of pensions to the widows, dependent mothers, and sisters of deceased soldiers upon their remarriage.

MR. CUTLER. Mr. Speaker, in passing the arrearage of pensions bill we simply do an act of justice to our deserving soldiers and carry into effect the original contract, by giving the pension from the time of the disability or wound; and fearing lest, in the haste of business during the late hours of the session, the necessary estimates should not be furnished from the proper Department, I had the honor of introducing the bill appropriating \$100,000,000, or so much thereof as should be necessary to pay the arrearages, and that the appropriation should be immediately available.

And while we have all been discussing the fairness, justice, and righteousness of the law to pay the arrearages of pensions to the disabled and wounded soldiers, we have overlooked a law that is now upon our statutes and ought to be repealed, because it is not only contrary to the contract under which the soldier enlisted, but contrary to good morals and against public policy; and I refer to that law that declares that the pension to the widow, dependent mother, or sister of a deceased soldier shall cease upon their remarriage; and to remedy this wrong I had the honor to introduce the following bill:

A bill to repeal section 4708 of the Revised Statutes and giving pensions to widows of soldiers who are remarried or may remarry.

Whereas the several pension acts providing that pensions granted to widows, dependent mothers, and sisters shall cease upon their marriage are contrary to public policy; Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4708 of the Revised Statutes be, and the same is hereby, repealed, and shall read as follows:

That all pensions now paid to widows, dependent mothers, or dependent sisters shall continue to be paid upon their remarriage; and any widow, dependent mother, or sister of a deceased soldier entitled to a pension if unmarried shall be entitled to the same whether they are remarried or not. And all laws or parts of laws inconsistent with this law are hereby repealed.

While the same reasons and arguments that governed the Representatives in the passage of the arrearage of pensions bill are equally potent in the passage of this, there are others that are entitled to great weight and consideration.

During the late war the United States, anxious to recruit her Army, offered the following inducements to those who should enlist: monthly pay, commutation, clothing, medical attendance if sick, a pension if disabled or wounded, and in case of death pension to the widow, dependent mother or sister.

The pension was due to the soldier from the time of his disability or wound. The soldier had a right to expect it. It was promised him, and he entered into the service under that agreement.

But when it became necessary to make appropriations and provisions to carry into effect the pension law, such legislation was had that the pension to the wounded or disabled soldier should be paid, not from the time of the wound or disability, as provided by the original contract, but from the time his application was granted. This was

clearly a wrong, and to repair that wrong the arrearage of pensions bill was passed, in order that the Government should religiously carry into effect the original contract, and the soldier receive his pension from the time of the disability or wound.

Government, looking forward to the exigencies of the war and realizing that the soldier, solicitous and anxious for the safety of the Republic, was equally solicitous and anxious for the welfare and support of his wife, mother, or sister in case of his death, promised and pledged a pension to the widow, dependent mother, or sister.

Afterward, in the legislation necessary to carry into effect the payment of such pension to the widow, dependent mother, or sister, it was provided that their pension should cease upon their remarriage. Such legislation was contrary to the original contract, and to remedy this wrong and allow the pension to inure to the widow, dependent mother, or sister, as was intended at the time of the enlistment, this bill was introduced and ought to be passed, for the Government should always keep good faith and carry out all its contracts to the letter and according to its spirit.

The widow, dependent mother, or sister was entitled to succeed to the pension, and it was to be theirs during their lives, and it was a wrong to place any restriction upon its payment. But independent of the question of good faith, the law as it now stands is contrary to good morals and against public policy, for it is restrictive of marriage.

All civilized nations, writers upon political economy of every age, and the authors of all codes, have insisted that laws restrictive of marriage and in derogation of the marriage relation, if not absolutely void, are voidable. Every State in this Union has placed upon its statutes laws that declare that contracts restrictive of marriage are void or voidable. And yet in this nineteenth century the most liberal, the most enlightened, the most advanced of all nations unfortunately have allowed this statute to become one of the laws of the land, and it remains there in antagonism to the laws of all the sovereign States.

We as a nation boast of our great prosperity, and point to our rapidly increasing population as an evidence of our great power and exultingly say that in 1900 our population will be seventy-five millions, if not more. We invite all of every nation to our shore, and gladly receive and welcome those of every clime to increase our population and thus add to our national power and strength, and yet by a law upon our statute-book we say to a very large number of our own blood and kin, because you gave your husband, son, or brother to your country, and while we agreed we would afford you a pension as a slight compensation for his own good strong arm, loving heart, and zealous life, yet if you become the wife of another and be the happy mother of an interesting family of children, adding to the population and increasing the strength and power of the country, so that you can say with the same pride as the mother of the Gracchi, when she presented her children and said, "These are my jewels," "These are the strength, the wealth, the power of the nation," then your pension shall cease.

Mr. Speaker, need I add further, the object and aim of all governments should be the welfare and happiness of all her people, all classes alike should receive her guardian care and protection, and when you have repealed this unjust and unnatural law you will have remedied a wrong, restored the right, and placed the Government of the United States upon the same high and ennobling plane as is occupied by all the States, so that there shall be no pension law upon our statutes restrictive of marriage or in derogation of the marriage relation?

Let, then, the same Congress that has so nobly restored the right to the disabled and wounded soldier complete the good work by restoring the right to the widow, dependent mother, and sister of the dead soldier; and until we do that, and repeal this law that declares the pension shall cease upon the remarriage of the widow, dependent mother, or sister, we shall be recreant in the performance of our duty, and when we pass this bill "we shall only have done our simple duty;" nothing less, nothing more.

Presidential Elections.

SPEECH OF HON. G. A. BICKNELL, OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 14, 1879,

On the constitutional amendment regulating the election of President and Vice-President of the United States.

Mr. BICKNELL. Mr. Speaker, in the closing scenes of the last presidential election destruction was near, civil war was impending; had it come then, despotism or anarchy would have followed, the Government would have perished, the last hope of democratic liberty would have ceased to exist.

Hence the importance of our proposed amendment of the Constitution; if, aided by the experience of a hundred years, we can rid the Constitution of defects excusable at its birth but intolerable in its maturity, we shall be worthy of the trust that has descended upon

us; but if we shrink from the emergency, if experience has taught us nothing, if we can devise no remedy for evils which our ancestors could not foresee, we are not equal to our responsibilities and the ancient worth of the race is dead.

Ethnologists have imagined some deadly influence in this New World fatal to every race that has occupied it, the men of science pretend that our own race has degenerated here physically and morally. We know that the sturdy old English honesty is gone, we know that the expedient morality of Franklin has more representatives to-day than the unbending integrity of John Adams; but I trust we are not so far decayed that we can learn nothing and forget nothing.

We are told that the Constitution is too sacred to be changed; but it has been changed; it was changed by its contemporaries; twelve amendments were proposed at the first Congress in 1789; ten of them were adopted in 1791; the eleventh amendment took effect in 1795; the twelfth amendment, as to the election of President, took effect in 1804; we have had three amendments in our own time; the Constitution itself anticipated the necessity of amendments and made provision for them, unlimited except by the fifth article, which declares that "no State, without its consent, shall be deprived of its equal suffrage in the Senate." I trust, therefore, that we shall hear, in this debate no high-sounding words about the wisdom of our ancestors or the veneration due to their labors. Needless amendments are mere folly, but amendments necessary to cure great evils are not only right but are our highest political duty. It was well said by President Jackson:

Evils which can be clearly traced to an organic defect in the Constitution ought not to be overlooked through a too scrupulous veneration of the work of our ancestors.

The amendment proposed by the committee annuls the first paragraph of the second clause of section 1 of article 2 of the Constitution. That paragraph is:

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress.

By this provision the Constitution conferred upon one of the departments of each State, namely, the legislative body, the power to declare in what manner the entire State, that is, the voting population, should exercise its right of appointing electors. It never was intended that the Legislatures should themselves appoint the electors. That proposition was rejected in the convention by a large majority. Nevertheless some of the Legislatures at first exercised themselves the appointing power instead of declaring how the State should appoint; but this was such a clear violation of the spirit of the Constitution that the people of each State soon put an end to it, and it will never be repeated.

The third section of article 2 of the Constitution, as it stood originally, provided that each elector should vote for two persons for President, one of whom should be President, the other Vice-President. That provision was an utter failure; it was superseded in 1804 by the twelfth amendment, which declares that the electors shall cast distinct ballots for President and Vice-President. The amendment of the committee annuls also this twelfth amendment and substitutes for both the sections annulled a direct vote for President by the people of the several States as such. Our amendment does not propose a direct vote of the people of the United States as such. Its language is:

The President and Vice-President of the United States shall be chosen by the people of the several States; the voters in each State shall have the qualification requisite for electors of the most numerous branch of the State Legislature; they shall vote by ballot for President and Vice-President.

I submit, Mr. Speaker, that after a hundred years' experience of popular elections in this country this amendment commends itself to common sense; it is amazing that anything else was ever thought of. It is by no means a new proposition. An election of President by a direct vote of the people of the States was proposed in the constitutional convention by Mr. Wilson, of Pennsylvania. It was supported by Dr. Franklin, by both the Morrisises, and by Mr. Dickinson. It has been advocated since by national men of both the great political parties. Mr. Benton, in the Senate in 1824, asserted that "the electoral system establishes agents where none are needed;" and he asked in vain for a reason "why an American citizen should be compelled to put his vote in the hands of another instead of voting directly for his candidate." General Jackson, in every one of his annual messages to Congress, insisted "that the right of electing their chief magistrate belongs to the people, and that every intermediate agency should be removed." The great republican leaders, Sumner and Morton, in our own time, declared in the Senate that a direct vote of the people for President is the only remedy for existing evils.

In view of this long line of authority, extending from the birth of the nation to the present time, it becomes an interesting inquiry how such an anomalous feature of the electoral system became part of a Constitution created for a free and intelligent people. The debates of the convention explain it. Mr. Madison tells us that in the first plan of government submitted by Mr. Randolph the Executive was to be chosen by the National Legislature. Mr. Wilson, of Pennsylvania, proposed electors to be chosen by the people in districts. Mr. Gerry, of Massachusetts, was not clear that the people ought to act directly even in the choice of electors. He said:

The people are too little informed of personal characters in the large districts, and are liable to deceptions.

Mr. Wilson's proposition was defeated by eight States against two, and it was agreed that the Executive should be elected by the National Legislature; that vote was reconsidered, and Mr. Gerry moved that the National Executive should be elected by the executives of the States; he said the State executives would most likely select the best man. Mr. Gerry's motion was defeated by a large majority. The New Jersey members proposed that the President should be elected by the United States in Congress. Mr. Hamilton proposed a governor for life, to be appointed by electors chosen by the people in districts. These plans were all referred to a committee, who reported that the President should be chosen by the National Legislature. Gouverneur Morris moved to strike out "National Legislature" and insert "citizens of the United States."

Roger Sherman said:

The people will never be sufficiently informed of characters and will never give a majority of votes to any one man.

Mr. Pinckney said:

The people will be led by a few distinguished men, and Congress being most immediately interested in their own laws, would most likely choose a good man to carry them into execution.

Mr. Mason, of Virginia, said "it would be as unnatural to refer the choice of Chief Magistrate to the people as to refer a trial of colors to a blind man. It is impossible," said he, "that the people can have the requisite capacity to choose between the candidates." These views prevailed. Upon a vote, the decision was 9 votes to 1 against an election by the people. Pennsylvania alone was willing to trust the people. Mr. Martin then moved that the Executive be chosen by electors appointed by the State Legislatures. This was defeated by 8 votes against 2. It was then unanimously agreed that the President should be chosen by the National Legislature. But this was reconsidered, and, on motion of Mr. Ellsworth, it was voted by eight States against two that the President should be chosen by electors appointed by the State Legislatures. This action also was reconsidered, and on motion of Mr. Houston, of Georgia, it was again decided by seven States against four that the Executive should be appointed by the National Legislature. Still the delegates were not satisfied. One of them proposed to choose electors by lot from the National Legislature. Another proposed that the Executive should be appointed by the governors and councils of the States. Nobody advocated popular rights save Morris and Wilson and Dickinson.

Mr. Gerry said: "The ignorance of the people will put it in the power of one set of men, acting in concert, to delude them into any appointment. If the election is referred to the people," said he, "the Society of the Cincinnati will elect the Chief Magistrate in every instance." The convention then again voted in favor of an election by Congress, six States against three. The whole matter was then referred to another committee, who finally reported the present electoral system, to wit:

That each State shall appoint, in such manner as its Legislature shall ordain, a number of presidential electors equal to the whole number of its Senators and Representatives.

And this was adopted and incorporated in the Constitution by nine States against two. It will be observed that the convention voted four times, once unanimously, that the President should be elected by Congress; they voted once for electors to be chosen by State Legislatures only, and finally, with reluctance, after three months' debate, they adopted the electoral system.

The extraordinary propositions, the contradictory votes, the astonishing sentiments expressed, and the entire debate, go far to remove any undue veneration for the wisdom of our ancestors, and show conclusively the exact value of the eulogies upon this feature of the Constitution since pronounced by learned theorists of our own country and by distinguished foreigners who claim to know much about American institutions.

The debate further shows, beyond all question, that electors were interposed between the people and the Presidency, not to "preserve the autonomy" of the States, nor the equality of the States, nor their action as independent bodies-politic, nor the right of local self-government, but solely because in the deliberate opinion of a majority of the convention the people had not sense enough to choose a President, and were not to be trusted with that power. So in the Federalist, written mainly by members of the convention, the doctrine is that the electors will be men of wisdom and experience, better able than the people to choose a President.

The notion that the electoral system was contrived to save any essential right of the States or to prevent undue encroachments of the General Government is without support in the debates of the constitutional convention. It was the general design of the Constitution to secure the equality of the States, and also to give due effect to the larger population of some States. This design was accomplished by making the States equal in the Senate and by giving them representation in the House according to their population. It was further secured by the provision that no State, without its consent, should be deprived of its equal suffrage in the Senate; but the electoral system was no part of that design. If electors are interposed they must be apportioned according to the equality of the States, but the lack of electors will not impair that equality. The people of a State exercise no more right of local self-government in voting for electors than in voting directly for President; yet we are told by the minority of our committee that to take away electors is to abolish the

equality of the States, to make the people voters of the United States, to give the Government a character of complete consolidation and centralization, and to destroy local self-government. All this, however, is mere assertion.

The people of a State in voting for electors exercise a State right; so in voting for President, without electors they will exercise a State right; they will vote as citizens of a State, having the qualifications prescribed by that State, not as citizens of the United States. Their vote will represent the will of the State, and there is no more consolidation or centralization in aggregating the direct votes of the people of the several States for President, in order to obtain the general result, than there is in aggregating the votes of the same people for electors. It is not true that electors were interposed to prevent consolidation; the real purpose was to prevent the people of any State from voting at all for President. The electoral system was a check upon the popular will, founded in distrust of the people. It was adopted because the convention believed that electors would make a better choice than the people. They had more faith in this worn-out expedient of defunct European aristocracies than they had in the American people.

After trying popular elections of all sorts for a hundred years, we know that there is no danger in a direct vote of the people. We know that in this country there never was such danger. But dangerous or not, the people knew they ought to control the election of President, and by a very simple contrivance they soon began imperfectly to control it, notwithstanding the impediments of the electoral system.

The people had more confidence in themselves than in these "best men" whose judgment was to be substituted for theirs; they compelled their Legislatures to concede to them the election of these "best men," and they have ever since elected men pledged not to exercise any judgment of their own, but to vote for the candidates of their party. By this simple but potent contrivance of pledged electors the people have secured in an imperfect degree the power from which the constitutional convention sought to debar them, and have left the electoral system completely deprived of the only feature in it for which a plausible reason was ever assigned. The system stands to-day a beacon with its light gone, serving no useful purpose whatever, and surrounded by all its original perils.

I shall say nothing now of the ever recurring dispute, who shall count the electoral votes? But suppose there is a failure to appoint electors, or a failure of the electors to act, or fraud in the election, or a contested election, or a choice of electors on the wrong day, or a defective certificate, or conflicting certificates, or a vote of electors on the wrong day, or before the State is in the Union; suppose the electors are not citizens, or are officers of the Government; all of these cases have happened, and never without exciting angry and unsatisfactory debate, establishing nothing, and more than once shaking the foundations of the Government.

In 1805 there was a question about the certificate of the Massachusetts electors; in 1817 a dispute about the electors of Indiana, chosen before the State was in the Union; in 1811 there was a like controversy upon the electoral vote of Missouri; in 1828 Mr. Wilde, of Georgia, proposed an inquiry into the validity of the then recent election, because the certificates of Virginia and other States did not show a vote by ballot; in 1827 there was a dispute whether Michigan was a State when her electors were appointed; in 1857 the electoral vote of Wisconsin was objected to because it was not cast on the right day; in 1865 there was a difficulty upon the vote of Nevada because but two electors had voted; in 1869 the electoral vote of Georgia was objected to; in 1873 the votes of Georgia, Mississippi, Texas, Arkansas, and Louisiana, and in 1877 the votes of Louisiana, Florida, South Carolina, and Oregon were all controverted upon one or more of the objections I have named, and in all these cases, after all the danger and heat of the debate, nothing was done to set a precedent for future action or give a remedy for the trouble.

Often the matter was laid on the table. Sometimes it was indefinitely postponed; sometimes, when the disputed votes made no difference in the general result, they were counted hypothetically; sometimes they were not counted. But the united wisdom of both Houses of Congress has hitherto utterly failed to devise any satisfactory mode of curing the inherent defects of our present electoral system.

The experience already referred to would alone warrant the abolition of the system, but even without that experience the practical working of the electoral system has been a failure from the beginning. If it were desirable that the electors should be men of superior judgment and discretion, and should exercise those qualities, the people have prevented that result by requiring pledged electors. If it be desirable that the election in every State should be a fair representation of the popular will of the State, the electoral system has completely defeated that result. Scarcely once in the last fifty years has the electoral vote borne any reasonable proportion to the popular vote.

To ascertain the general result, the popular votes and the electoral votes of the States are required to be aggregated, and that aggregation has shown that in 1832 Jackson, with only 54 per cent. of the aggregate popular vote, had 76 per cent. of the aggregate electoral vote; in 1852 Pierce, with 50 per cent. of the popular vote, had 85 per cent. of the electoral vote; in 1864 Lincoln, with only 55 per cent. of

the popular vote, had 90 per cent. of the electoral vote; in 1872, Grant, with 55 per cent. of the popular vote, had 81 per cent. of the electoral vote; while on the other hand, in 1856 Fillmore, with 21 per cent. of the popular vote, had but 2 per cent. of the electoral vote; in 1860 Douglas, with 29 per cent. of the popular vote, had but 2 per cent. of the electoral vote; and in 1864 McClellan, with 41 per cent. of the popular vote, had but 9 per cent. of the electoral vote. Such are the extraordinary consequences of the present electoral system; it has utterly failed to give a true expression of the popular sentiment in the States.

But it is said by the minority of our committee that the electoral system was never designed to reach an expression of the popular will. That is true; its design was to prevent an expression by the people of the States as to the man of their choice; that is its great fault. The people, however, by demanding pledged electors, determined to exercise their choice, and it is the electoral system alone which prevents them from fully doing so; therefore it ought to be abolished, even were it attended with none of the dangers from which we have suffered so often.

But the electoral system is peculiarly open to fraud. Its entire machinery in each State is controlled by a few adroit politicians. Where parties in a State are nearly equal a successful fraud, gaining a few votes only, will often carry the electoral vote of the entire State, and will sometimes settle the question for the United States. Substantially the control of the entire election is in the large cities, such as New York and Philadelphia and Chicago, where the temptations to fraud and the means of fraud most abound and are most likely to be successful.

Our amendment will not make fraud absolutely impossible, but it will greatly diminish the opportunities for fraud; it will place the control where it really belongs, in the hands of the people themselves; it will remove the ordinary temptations to fraud, because any fraud apt to be successful will affect only a very small fraction of an electoral vote. In the smallest State in the Union, to gain an electoral vote by fraud, under the plan of the committee, would require a change of several thousand popular votes. None of the common election frauds, therefore, would avail anything, and the temptation thereto would be taken away.

A direct vote for President would give the people of each State a perfect exercise of their right of choice, unincumbered by useless machinery; it would prevent at once and forever all the peculiar dangers to which I at first referred, dangers inherent in the electoral system.

Under the amendment proposed by the committee each State will have as many electoral votes as she has Senators and Representatives. The senatorial equality of the States is preserved by assigning to each State a vote for each of her Senators, while the weight of population is duly regarded by assigning to each State an electoral vote for each of her Representatives in Congress. Each State will have just as many electoral votes as she now has electors. The power of the State, therefore, in a presidential election will not be in any degree impaired; she will count just as much as she does now; and the assertion that a direct vote for President by the people of a State as such tends to consolidation, or impairs local self-government, or abandons any substantial State right, is destitute of any foundation whatever.

The amendment of the committee provides also for a minority representation. The electoral votes of any candidate for the Presidency are to be ascertained in each State by multiplying his entire popular vote in that State by the whole number of that State's electoral votes and dividing the product by the entire popular vote of that State for President. The quotient will be the number of electoral votes belonging to such candidate.

The returning officers of elections in each State are to make sealed returns of the votes to the secretary of the State; those returns are to be opened by him in the presence of certain chief officers of the State; those officers are to make the apportionment of the electoral votes on the rule already stated, and they are to make three lists, stating the popular vote by counties or parishes, and also stating their apportionment; one of these lists is to be sent under seal to the President of the Senate at Washington, another to the Speaker of the House at Washington, and the third list is to be filed and recorded in the office of the secretary of the State. The votes and the apportionment are thus brought to Washington, ready for a declaration of the result by Congress. It is a very strong objection to the present system of electing a President that where hundreds of thousands are voting a majority of a single vote enables the successful party to receive and convert to its own use the entire electoral vote of a State; where there are two parties only the successful party takes not merely that proportion of the electoral vote which represents its own strength, but it receives also the entire vote of the other party, counts it with its own, and has all the benefit of it, so that in the general result the weaker party is slaughtered with its own weapons. For instance, it appears by one of the tables printed in the report of our committee that in 1844, in New York, Mr. Polk had 237,000 votes, Mr. Clay 232,000, and Mr. Birney about 16,000 votes; but Mr. Polk, whose supporters were less than half of the voting population, received and appropriated all the 36 electoral votes of the State.

So in Pennsylvania, in 1876, Mr. Tilden had, omitting fractions, 336,000 votes, Mr. Hayes 384,000, Mr. Cooper, 7,000, and temperance 1,319 votes; but Mr. Hayes, with little more than half of all the votes

polled, carried away the 29 electoral votes of that State. It is plain that the prospect of such an advantage as this is substantially a premium for concentration of party machinery and corrupting agencies in all the doubtful States, and there is really no equity in it.

Upon the plan recommended by the committee, Mr. Polk, in 1844, in New York, would have had 17 electoral votes and a fraction; Mr. Clay would have had 17 electoral votes and a smaller fraction; and Mr. Birney would have had only a fraction of a vote. In Pennsylvania, in 1876, Mr. Tilden would have had 13 electoral votes and a fraction, Mr. Hayes would have had 14 electoral votes and a fraction, and the other candidates would have had each a fraction of an electoral vote.

In other words, by the plan of the committee, every voter would vote for the man of his choice, with an absolute certainty that he and they who voted with him would receive their exact proportion of the electoral vote. The perfect fairness of this part of the amendment will commend it to the impartial judgment of the people. The political leaders may object to it under the apprehension that it may tend to overthrow their personal power and influence; but that will be no objection before the people. Under the present system a man can vote for such candidates only as have electors in his own State; and the question, who shall have electors in any State, depends upon the management of a handful of skillful political managers.

Frémont and Dayton, in 1856, were prevented from having an electoral ticket in any Southern State; but, by the proposed amendment, all men throughout the Union will have the same freedom of suffrage in voting for President as in voting for any other officer; and they will hold this right not as citizens of the United States but as citizens of a State, the State prescribing the qualifications of its voters, the equality of the States standing hereafter on exactly the same basis as heretofore, the voting power of each State remaining as heretofore, exactly equal to the number of its Senators and Representatives.

It is true that the number of persons who represent an electoral vote will be different in the different States, because of the difference in their population. Six citizens of Nevada or Rhode Island will have the same voting power for President as twenty-nine citizens of Ohio, or twenty citizens of Virginia, or twenty-five of Wisconsin, but this is nothing new; it is just what takes place now under the electoral system. One of the tables printed in the report of our committee shows that at the last presidential election the number of popular votes which represented an elector varied in the different States from six thousand to twenty-nine thousand. In this respect there is no change made, but there will be a change in the general result, highly favorable to the small States, because, although the large States will always have their just preponderance of electoral votes founded on population, yet their votes will be divided, and thereby the present operation of their general-ticket system will be destroyed, a system contrived by Massachusetts and Virginia, when they were the large States. It was a contrivance which gave undue and unexpected weight to the vote of the large States. The amendment of the committee will annul this effect of the general-ticket system, and will tend to restore the States to the condition of equality which the framers of the Constitution undoubtedly intended to establish and thought they had established.

Another feature of the proposed amendment is that whoever has the most electoral votes will be the President; it will not require a majority of the entire number of electoral votes to elect. The purpose of this provision is to prevent an election by the House of Representatives. If a majority were required, the election would be generally thrown into the House; the vote might be scattered for that purpose only.

Under the plurality rule, an election by the House would in all probability never occur; it would be barely possible. The election would be known to be final; therefore the most available men would be selected and the votes concentrated on a few candidates. There is no valid objection to a plurality vote where all have a right to vote and agree that a plurality shall elect. No man's rights are taken away or impaired. In such a case it is really the will of the majority that gives effect to the plurality vote. The presidential electors under the present system are chosen by a plurality vote and have never been required to be chosen by a majority. A plurality governs in nearly all the State elections; it meets with no objection; it generally produces a majority; where it fails to do so it always gives a fairer expression of the general sentiment than is commonly given by the electoral system; that system has often given us a minority President. A man may have a majority of the electors without a majority of the popular vote and a man may have a majority in an election by the House of Representatives who had the fewest votes of the people and also the fewest votes of the electors. When John Quincy Adams was elected by the House he had less than a third of the popular vote. The great argument in favor of a majority is that a President elected by a majority will carry more authority than one elected by a plurality. It used to be said, "If there are men enough to elect there are enough to inaugurate and to sustain;" but that is purely theoretical; in practice it is not so. Buchanan and Taylor and Polk had only a plurality of the popular votes, but their authority was none the less on that account; they had all the authority of the law, and that is enough.

No objection was ever made to any State officer because he had only a plurality, and there is really no better ground of objection to a

plurality President than to a plurality governor or Congressman. The only remaining feature of the amendment under consideration is the mode of ascertaining the result of the election.

By the proposed constitutional amendment the Senate and House of Representatives are required to meet in the Hall of the House for the purpose of counting the electoral votes of the States. The President of the Senate is required to open all the certificates; the electoral votes of the States are then to be counted by the two Houses, according to the certificates, unless both Houses reject some of them; the votes so rejected by both Houses are not to be counted. If there be a contested election in any State, it may be determined by the highest judicial tribunal of such State; the decision of such tribunal shall be certified under seal to the President of the Senate, to be opened by him at the same time as the other certificates, and the contested electoral votes shall be counted in accordance with such decision, unless that decision be overruled by both Houses—where there is a contested election but no such certified decision, the contested votes shall not be counted, unless both Houses agree to count them. The principal merit claimed for these provisions is that they settle at once and forever the hitherto endless and fatal dispute as to who shall count the votes.

They place the right and duty of counting where they undoubtedly ought to belong, to wit: In both Houses of Congress which together represent all the people of all the States.

This part of the amendment will probably meet no serious objection, but if both Houses are to count the votes, it would seem to follow conclusively that the question, what are votes to be counted, should also be determined by both Houses, not by one House only, nor by any officer of either House.

The provision, therefore, is that the votes shall be counted by both Houses according to the certificates of the returning officers in one case, or of the judicial tribunal in the other case, unless both Houses agree to the contrary; but in a third case which may happen, to wit: the case of a controverted election, without any certificate of decision by the highest judicial tribunal, there the provision is that the votes shall not be counted unless both Houses agree to count them.

The result is that, although an undisputed certificate of the returning officers or the certified decision of the proper court is *prima facie* evidence, yet the concurrent determination of both Houses may overrule either and may also warrant the counting of other electoral votes disputed, but not attended with any certificate of decision by the proper judicial tribunal.

In the opinion of the committee this ultimate power of decision belongs to both Houses of Congress and cannot be safely abdicated. If the electoral vote of a State concerned that State only, it might be reasonable to provide that a certificate of the State's returning board, or the decision of the State's court, should be conclusive. But all the States are concerned; every State has an interest and a right to demand that the electoral votes of every other State shall be lawful electoral votes; and to secure that result the ultimate decision must be in the Representatives of all the States. Recent events have shown that neither the decisions of returning officers or of high judicial tribunals can be safely made conclusive as to the electoral votes of a State; but what both Houses of Congress agree to on such a question, if not absolutely right, will certainly represent the prevailing public opinion, and will generally give satisfaction.

Mr. Speaker, I have now considered all the principal features of the amendment proposed by our committee, namely, the abolition of electors, a direct vote for President and Vice-President by the people of each State as such, a counting of the electoral votes by both Houses of Congress, the decision of contested elections by tribunals appointed by the States respectively with the ultimate power in both Houses of Congress to determine what are votes to be counted, the result to be determined by a plurality vote. Our proposed amendment perhaps cannot be adopted now; its time may not yet have come, the timidity of some politicians and the selfishness of others may postpone it, but it recognizes the rights of the people, it is eminently equitable and just, and when it is fairly brought before the people they will again be wiser than the politicians, and this amazing scheme of interposing electors between the Presidency and a nation of intelligent freemen will be blotted out forever.

Homesteads to Actual Settlers.

SPEECH OF HON. HENRY S. NEAL, OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 3, 1879,

On the bill (H. R. No. 110) supplementary to an act entitled "An act to secure homesteads to actual settlers on the public domain."

Mr. NEAL. Mr. Speaker, when House bill No. 110, supplementary to an act entitled "An act to secure homesteads to actual settlers on the public domain," introduced by the honorable gentleman from Pennsylvania, [Mr. WRIGHT,] was under consideration, the arbitrary and unphilosophical rules of the House debarred me from expressing

myself upon the merits of the measures embodied in the bill, as I should have been pleased to have done, and I therefore avail myself of this opportunity, the first I have had, of stating my views upon this important measure, and at the same time briefly reviewing the work of the preceding and present Congress as it affects the labor interests of the country at large.

I could not give this bill my support, because, in my judgment, it contained provisions which are not wise in themselves, or likely to effect the objects had in view by my honorable friend. I sympathize, however, with the motives which inspired the gentleman, and cannot refrain from expressing the hope that he may yet be able to mature some measure which will command the assent of every friend of the workingman who may be a member of the next Congress.

I sympathize with him because I believe he has the interests of the men who toil really at heart, and that it is our duty to do what lieth in our power for their relief. I had hoped that there was statesmanship enough and wisdom enough in this House to deal with this important matter in a liberal and satisfactory way, and to provide some practical solution of the difficulties which seemed to surround us in determining what ought to be done on behalf of the laboring men of the country. I confess, however, I am disappointed; for the two years of our constitutional existence are about to expire and we have accomplished literally nothing in this direction. The poverty and misery and wretchedness which appealed to us for relief have been intensified rather than alleviated, and the great army of idle workingmen, idle because they cannot obtain employment, has been added unto by thousands of recruits, while capital is unemployed because enterprises promising satisfactory returns do not present themselves.

Mr. Speaker, in 1774 the people were persuaded by democratic speakers and demagogues if they would take the reins of government from the republican party—that party which had subdued the rebellion of the southern slave States, notwithstanding the active sympathies of a considerable portion of the democratic party, restored the Union, struck the shackles from the limbs of four millions of slaves and made men of them—and intrust them to the democratic party, composed for the most part of those who had been actively engaged in destroying the Union by bloody war, an almost miraculous change would be experienced in business affairs, an era of manufacturing prosperity and commercial activity would be speedily inaugurated such as had never before been witnessed in this country; that the fires of our then idle manufacturing establishments would be relighted, making the very heavens lurid with their glare and the busy hum of industry would be everywhere heard. Plenty would succeed want, prosperity wretchedness, and happiness misery. The result of the elections was the return of a large majority in the House of Representatives of so-called democrats, who styled themselves the party of progress and reform. No obstacle intervened to prevent them from successfully concluding such legislation, as would convince the people that these magnificent promises had not been made in vain. But what was the result? It is but a repetition of the old fable, the labor of the mountain and the birth of a mouse. With star-chamber investigations, originated for the sole purpose of blackening the characters and ruining the reputations of eminent republican patriots and statesmen, whose shoes not a single one of these democrats was worthy to untie, conducted in such a manner as to outrage the sense of justice and decency of every right-minded man; with scrambling for the spoils of office which had fallen within their grasp, and in crippling the various departments of the Government, by ill-advised parsimony under the specious pretense that they were economizing expenditures while not impairing the efficiency of the public service, the entire two years of its constitutional existence were frittered away, and the people saw that Congress retire from public life not only without a single regret but with a grateful sense of relief.

When this Congress assembled in October, 1877, there was no subject which addressed itself more strongly to our earnest consideration than the condition of our industrial interests. We had no President to make; the country required rest from political excitement and turmoil; no presidential election was to be held until 1880. It was hoped that democratic politicians who aspired to that august office would endeavor to win the confidence, gratitude, and support of the people by a practical realization of the sentiment, "he serves his party best who serves his country best." Ah, sir, how have all these expectations vanished as a dream of the night, baseless and fabricless! The third and last session is about to close, and what has been done in the interests of the people? Nothing worthy of our opportunities. Multitudes of men are still idle because no one will employ them; labor is cheap; wages are inadequate to furnish more than the barest subsistence to the workingman and his family; there has been no general revival of business, and hard times, with the attendant evils, are still the order of the day.

Sir, the whole object of the majority upon this floor has been to use legislation for the most unworthy partisan purposes. Wholesome legislation, a conservative regard to public interests, a careful consideration of the oppressed condition of labor, how the people can be relieved from the heavy burdens which are crushing them, are matters which have received no concern. In short, there has been no display of liberal and wise statesmanship, nothing to inspire confidence in the wisdom and patriotism of the democratic party upon the part of the capitalist or workingman.

Let us for a moment consider the character of one or two measures

which have been presented to us for deliberation and adoption, that the censure I have been constrained to use may be justified in its severity.

One of the most prominent and important, earnestly supported by most of the democratic members and, I believe without exception, by all who represent the late slaveholding States, was the free-trade tariff bill of the gentleman from New York, [Hon. FERNANDO WOOD.] Had it become a law it would, in my opinion, have gone far toward the destruction of the remaining manufacturing industries of the country, particularly those of iron, in which my district is very largely interested. It seemed to me rather singular, in view of the fact that the prices of all the products of our furnaces, mills, and looms are reduced so that the capitalist receives no returns upon his investments, while the wages of the employes are down to starvation rates, there should have been such persistent efforts made to pass this bill, the result of which would have been the closing of numerous establishments and the throwing out of employment of thousands of workmen. Thanks to the loyalty of the republican party, to the labor element of the country, the bill failed upon its passage.

Another measure ruinous to a large and growing industry was the proposition to grant foreign-built vessels American registers. Should this have become a law it would have effectually destroyed the ship-building business in this country, or at least suspended it until our shipwrights are willing to work for the low wages paid these artisans in foreign countries.

In brief, sir, not one single measure has passed this House or been seriously pressed for consideration or passage by our democratic brethren, which in any degree tended to relieve the labor of the country or furnish employment to those who are idle.

Mr. Speaker, the statesmanship of the majority of this House, upon whom rests the responsibility of legislation, has been exhausted in unworthy ends. The division of the patronage which belongs to this majority interested its members more than the important measures of legislation. Who shall be Clerk, Sergeant-at-Arms, Doorkeeper, and the subordinates of these officers, has excited much more attention than the weighty matters which have been presented for our consideration affecting the whole country and all the people thereof. Slipshod measures, mere makeshifts for the hour, have been resorted to when broad and comprehensive legislation, providing permanent settlements of vexed questions, was needed. And to cap the climax of enlightened statesmanship comes the Potter committee investigation, originated for the sole purpose of smirching the good names of eminent republican statesmen and destroying their usefulness forever; perhaps, also, for the ulterior purpose of violently and in a revolutionary manner displacing the lawfully elected President, after the fashion of Mexico and South America. How have these investigations become a "miserable farce" so far as the primary object of their originators were concerned, but of real benefit in unearthing and exposing the unique rascality of democratic politicians who sought, by most corrupt and wicked means, the accomplishment of the most stupendous crime this country has ever witnessed!

Sir, a statesman should be a—

Friend of truth! of soul sincere,
In action faithful, and in honor clear;
Who broke no promise, served no private end,
Who gained no title, and who lost no friend.

How many statesmen have we after this fashion in these days? The race of giants seems to have disappeared, and I very much fear that history will record of this Congress that its statesmanship has been of so low an order that the Forty-fourth Congress appears respectable in comparison therewith. Such is the verdict now rendered by influential republican papers, which of course the democrats are not yet willing to accept as just. I cannot better supplement what I have said in regard to the character of the legislation of the preceding and of this Congress than by sending to the Clerk's desk to be read an extract from that able and influential paper, the *Irish World*, whose political sympathies are with the democratic rather than the republican party, and therefore the criticism is that of a friend, not that of an enemy.

[*Irish World* staff correspondence.]

WASHINGTON, February 19, 1879.

As the session draws to a close the boiling of the political pot increases. The political situation is a peculiar one. Four years ago the people rose in their wrath and hurled the republican party from power. The Forty-fourth and the Forty-fifth Congress saw the democrats in full possession of the popular branch, with a splendid opportunity to commend themselves to the public by endeavoring to correct the many abuses which had grown up under the corrupt rule of place-hunters, corporation attorneys, and pettifogging schemers who constituted the vanguard of the republican party under Grant's régime.

Not only were the people heartily sick of these nominal leaders of the "party of moral ideas," but were anxious to secure legislators who would devote some portion of their time and energies to practical measures of remedial legislation. The wheels of industry were rapidly ceasing to revolve; the hum of the spindle and the loom, though still heard, no longer spoke of contented hearts and happy homes; the fires of the forge were dying out, or where still maintained were fed by men grown desperate as they methodically kept up the bitter struggle for life, and wistfully looked into the future for the long-foretold "better times" supposed to be coming.

With everything in their favor the democrats have signally failed to do one act to justify the confidence placed in them. New issues have arisen—questions immediately connected with our prosperity as a nation and vitally affecting the happiness of the industrial classes have been sacrificed for spoils. Opportunity has courted and been rejected. The greed of political tricksters has dictated their policy and principle has been offered as a sacrifice upon the altar of expediency.

Condemned at the last election and barely having a nominal majority of two in

the next House, still the lesson seems to be lost upon them, and we have a repetition of the tricks peculiar to the politician. Bourbon-like—never learning, and forgetting nothing—the democracy have permitted a glorious opportunity to pass by and are to-day hopelessly divided by internal dissensions, united by but one tie, the cohesive power of public plunder.

Mr. Speaker, it seems to me passing strange that in a country more favored by Providence than any other upon the face of the earth, possessing every variety of climate and soil, producing every article of food and wear which administer to the necessities and the luxuries of man, with a mineral wealth second to no other country, which, if developed to its extent would make us the wealthiest and most prosperous people, that the most fervent imaginations of the most enthusiastic friends of America ever conceived—a country so inexhaustible in all its resources that it is capable of maintaining in comfort a population tenfold as large as it has at present, there should be witnessed the extraordinary spectacle of unemployed workmen, of idle capital, and of destitution in thousands of households. Why is it? What is the cause? Why are times so sadly out of joint? Providence is not to blame, for rains fall in their seasons, and the earth produces and brings forth. Our people are most versatile and industrious of all the races of men, and our moneyed men are the most enterprising and venturesome of all capitalists. What, then, is the cause of this condition of affairs, and what the remedy? Sir, in my opinion the great producing cause of the hard times under which we suffer is the *inadequate compensation of labor*, coupled with the excessive importations of the thirteen years preceding 1876. During that period we purchased abroad nearly six thousand millions of the products of the farm, the manufactory, and the shop, giving employment to millions of laboring-men of other countries, while we suffered our own to beg for work, under the pernicious notion that we must buy where we can buy the cheapest.

Had this enormous sum of money been expended at home, giving work to our own laborers, they would have been fully employed at fair wages. Being the consumers, they would have possessed the ability to purchase liberally in proportion to the wants of themselves and their families. This would have furnished us a market more valuable than all our foreign markets combined, consuming all that we would produce or manufacture, and made us substantially independent of the world. No one who has not given this subject a careful study can realize the deleterious effects of low wages upon trade. The enforced idleness of more than a million of men, together with the large reduction of the wages of those who have been able to obtain work, have not amounted to less than \$2,000,000 per day, or six hundred and twenty-five millions a year. The closing of this market is sufficient to account for the stagnation in business under which we now suffer, for hard times. Low wages always produce dullness in trade, while on the contrary when wages are high we have briskness in trade, activity in business, good times.

Mr. Speaker, while upon this subject I desire to state briefly my views upon the wages question, believing them to be founded upon sound economical principles. I do not believe in cheap labor. It is a curse to any country. On the contrary, I believe that the man who toils should be adequately compensated. He should receive a fair day's wages for a full day's work. He should have at least natural wages; by which expression I am to be understood that "a man's labor should be worth and that his wages should be as much as with economy and prudence will comfortably maintain himself and family; will enable him to educate his children, and also lay by enough for his decent support when his laboring powers have failed." Anything less than this is inadequate compensation and a degradation to labor.

A distinguished American lecturer and philosopher has given his well-considered views upon this important subject in a lecture recently delivered by him, which is so full of practical wisdom that it should go into every household in the land. I will here state the concise summing up he has made as expressing my own views much better than I can otherwise state them:

1. The cost of labor should determine the price of labor.
2. The cost of producing labor includes that of raising a family.
3. The cost of rearing a family depends on the standard of comfort and decency below which laborers will not go or ought not to go; what ought to be is what in America must be, if our institutions are to endure under universal suffrage.
4. In a republic under universal suffrage, the cost of living ought to include the expense of educating children in common schools up to fifteen years of age.
5. It ought to include the expense of keeping wives at home to take charge of little children.
6. It ought to include a fair support for old age in case temperance, industry, and economy have marked the habits of the laborer.
7. It will be found that wages less than twice the cost of unprepared food of the laborer will not meet the demands of the American standard of living.
8. Natural wages would prevent the formation of an ignorant class.
9. They would diminish the proportions of the unemployed, discontented, and explosive class.
10. They would destroy the power of demagogues.
11. They would increase the expenses of living.
12. They would increase the gains of the capitalist.
13. By removing the perils of universal suffrage and giving justice free course in the relations of capital and labor, natural wages would make America an organizing and redemptive political example to the world, and nothing else will.

The perpetuity of our free institutions requires that our people should be intelligent, temperate, and contented. They must therefore be better educated, better clothed, and better fed than the laboring classes of monarchical countries. For it is the ignorant, the vicious,

and the discontented who are the dangerous persons in every self-governing community, particularly where universal suffrage prevails.

Mr. Speaker, I do not recollect to have heard one word of sympathy from democrats upon this floor representing southern districts with the laboring classes, or any anxiety expressed for action upon our part in their behalf; nor is it strange, since they have received their ideas of political economy in that school which teaches that capital should own labor; that the masses of the people live, move, and have being only to be "hewers of wood and drawers of water" to the intelligent property-holders of their section. With them labor is degradation, and the "laborer the mudsill of society." They therefore have no sympathies with him in his struggles in life, have no true appreciation of the dignity of labor, and no sincere desire to aid the workingman in his most praiseworthy efforts to better his condition, and to provide for his family a more elevated position in society than he himself occupies. On the contrary, the man who toils with his hands, who operates our vast manufacturing establishments, cultivates our farms and plantations, and produces all the wealth of the nation, is no better in the estimation of these gentlemen than the slave of former years.

The democratic party have done and are doing everything to prevent the labor element from exercising the rights constitutionally conferred, and do not hesitate when necessary for this purpose to resort to fraud, intimidation, and sometimes more revolting crimes. Ay, more, they would strike from the statute-books the only law which provides for honest elections and for the punishment of outrages upon the ballot-box, thus placing themselves in the position of continuing these violations of the franchise, if not approving and upholding them. Opportunities for educating the masses of the people and preparing them for the proper and intelligent discharge of their public duties are sparingly and grudgingly given, or wholly withheld in all the States where the democratic party have absolute control; and as these States furnished the brains, the ideas, and the principles of that party, we may expect nothing else than that they will influence legislation whenever they may be able, in an unfriendly way to the laboring men and women of the country.

In conclusion, Mr. Speaker, I feel justified in saying that the supremacy of the modern democratic ideas and principles in the councils of the nation bodes no good to the industrial interests of this country, particularly as regards manufacturing, and that so far the democratic party have wholly failed to realize the just expectations of the people.

Should the Present Method of Electing a President and Vice-President of the United States be Changed?

"Nothing can be imagined more dastardly than the disposition of those men who despair of their country. They make me think I see a graceless son, after supporting a little while the languid head of his sick mother, toss her back upon her bed and say, 'She will die, and why then should I give myself any trouble about her?'"

"Whenever opposition is made to an apparently wise reformation let the people look that corruption be not at the bottom."

SPEECH OF HON. LEVI MAISH, OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 14, 1879.

The House being in Committee of the Whole for debate only--

Mr. MAISH said:

Mr. SPEAKER: As we stood upon the threshold of the second century of our Government's existence we were confronted by a grave danger. We had passed through an election for President attended by unwonted party bitterness and high political excitement, and which left the title to that high office in dispute. All men recognized the fact that the great trial of our country had come, and the question whether free institutions on this continent should survive or perish had been brought to the awful test.

As Webster said upon another occasion:

All Europe was at that moment beholding us, and looking for the issue of the controversy; those who hated free institutions with malignant hope—those who loved her, with deep anxiety and shivering fear.

The malignant hope of her enemies was not met, and the hearts of her friends were gladdened, for we escaped the peril and our country was saved. It is madness to suppose that we can peaceably pass through another ordeal like it. If in 1860 an election be held under the old system and the same condition of things arise, as they probably will, civil war in my judgment will inevitably follow. The express will of the people cannot again be set aside. If it should appear that one or the other of the contending parties had elected their candidate they will not permit their choice to be defeated by partisan contrivances or fraudulent means.

In the face of these conceded dangers, it was supposed that prompt action would be taken to guard by constitutional means the public

safety. We have now nearly reached the period of another election and nothing has been done. From what does this apathy arise? Are the evils that exist not duly appreciated, or has no satisfactory remedy been proposed? Let us examine these questions. Amendments to our Constitution have never met with much favor. Innovations upon its provisions have always encountered resistance. When abuses grow up under it which are the fruits of its imperfections, wisdom dictates that an attempt shall be made at least to improve it. It would be madness to pause when the defects of the Constitution invite its own destruction. The great men who framed it well understood that occasions would come for its amendment; and, in fact, in a very short time after its adoption it was found necessary to do so. Many of the men who signed that instrument participated in the work of improvement themselves. The method provided for its amendment constitutes a perfect safeguard against hasty and inconsiderate changes or alterations of our organic law. Two-thirds of both Houses, or conventions called upon the applications of two-thirds of the States, are necessary to propose amendments, and the ratification of three-fourths of the Legislatures of the several States are necessary before an amendment can become a part of the Constitution.

Various amendments have, in the history of our Government, been proposed in the forms provided and have been rejected by the Legislatures of the States. Apprehensions, therefore, of this sort, it seems to me, are not well grounded. Blind conservatism is an enemy of progress and is itself a deplorable evil. The provision of the Constitution under which our Chief Executive is elected presents a singular history.

The object which the framers of the Constitution had in view is radically different from the practice that has prevailed under it, and I have no hesitancy in saying that had its practical application been presented to the convention in a formulated proposition, it would not have received the support of the delegates of a single State. We have in this regard altered the Constitution without observing the forms for doing it. The provision of the Constitution prescribing the method for electing the President and Vice-President is found in article 2, section 1, and is as follows:

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The intention of the framers of the Constitution was to commit the election of these high officers to a body of men distinct from and independent of the voters—or the Legislatures of the States. It had its origin in a distrust of the voters. Its purposes are explained by Alexander Hamilton in the following words. He says:

It is equally desirable that the immediate election should be made by men most capable of analyzing the qualities adapted to the station and acting under circumstances favorable to deliberation and to a judicious combination of all the reasons and inducements which were proper to govern their choice. A small number of persons, selected by their fellow-citizens from the general mass, will be most likely to possess the information and discernment requisite to such complicated investigation.

How different is the theory of this provision of the Constitution from the practice of it. The electors were to cast their votes for the candidates for President and Vice-President without any instruction from the voters who selected them. It was supposed that it would not be safe to intrust the selection of these high officers to the voters. The electors, under the Constitution, were to elect a President without any previous instruction from any quarter. To their judgment, discretion, and intelligence alone was this trust confided. Now, in fact, the electors have become the useless agencies to ratify merely the express will of the voters. So thoroughly fixed and permanent has this custom now become that it would be nothing short of criminal for any elector to disregard the wishes of those who elected him.

In this respect, therefore, it is seen that the purposes of those who framed the Constitution have in the practice of this provision been wholly defeated. For a while some of the States appointed the electors by their Legislatures, in plain violation of the Constitution. This, however, became so unpopular that it was soon abandoned, and the only State that continued it for any length of time was the State of South Carolina, which appointed its electors in that way up to the commencement of the rebellion. In other States the electors were appointed by congressional districts. This was, in my judgment, the practice that was contemplated by the fathers, and if it had been adhered to many of the evils and abuses that have arisen under this provision of the Constitution would have been avoided.

Ambitious men, stimulated by lust of power, soon discovered the advantage of a general-ticket system, by means of which they could throw the whole weight of the electoral votes of a State upon one side or the other of the scale. The political advantages that this would give to the politicians of a great State are apparent. The States that were disposed to adhere to the true system, namely, the election by congressional districts, were soon compelled to abandon that in self-defense. Thus one evil became the parent of another, and what was a mere fact one day was treated as a precedent the next. We are, therefore, now practicing a method for the election of the highest officers in our form of Government which has very little warrant in the Constitution, were its letter and spirit strictly followed.

Let us take a retrospective view of the elections as they occurred in our history. The original article upon this subject provided that

electors should be appointed in such manner as the Legislatures of the respective States may direct; that they should meet in the respective States and vote by ballot for two persons, and the person having a majority of the whole number of the votes cast by the electors should be the President, and the person receiving the next highest number of votes should be the Vice-President. By this mode George Washington was twice elected and John Adams was once elected. Under this original provision occurred the memorable contest between Jefferson and Burr, and a person who had not received a single vote for President, either through the electors or the people, was nearly elected President of the United States.

In consequence of the violence thus attempted to be done to the popular will, the twelfth amendment to the Constitution was proposed and adopted. By it the electors are required to name in their ballots the persons voted for for President and the persons voted for for Vice-President, and to make a distinct list of the persons voted for and the number of votes cast for each, and to transmit the same to the President of the Senate, who, in the presence of the Senate and the House of Representatives, shall "open all the certificates and the votes shall then be counted, and the person having the greatest number of votes for President shall be the President if such number be a majority of the whole number of electors appointed."

This was doubtless an improvement upon the old plan, and I am sure was the means thus far of averting disaster. The prompt action of our statesmen in those days in remedying our Constitution is an example that should be followed now. We have given above substantially the Constitution respecting the election of President and Vice-President as it now stands. Under it frequent difficulties have arisen and intrigues and corruption have been practiced that have brought reproach upon our country. The popular will was on several occasions set at defiance and persons were put in the seat of Washington who could under no circumstances have received the indorsement of the suffrages of the American people, showing that our mode of election is at variance with the spirit of free Government and as I believe subversive of the original intent of the framers of the Constitution.

I give below a table of the elections for President held since the year 1824. Anterior to that time no authentic or reliable popular vote can be obtained. A number of the Legislatures of the States of that time still continued to appoint the electors of the States, and of course in such cases no popular vote was had, whilst in others where the people did participate in the election I have not been able to find any record.

Year.	Candidates.	Political party.	No. of electors.	Total electors.	Popular vote.
1824	Andrew Jackson	Democrat	99		152,899
	John Quincy Adams	Federalist	84		105,321
	William H. Crawford	Whig	41	261	47,265
	Henry Clay	Whig	37		47,087
1828	Andrew Jackson	Democrat	178		650,028
	John Quincy Adams	Federalist	83	261	512,158
1832	Andrew Jackson	Democrat	219		687,592
	Henry Clay	National republican.	49	288	350,189
	William Wirt	Anti-Mason	7		
	John Floyd	Anti-Jackson	11		
1836	Martin Van Buren	Democrat	170		771,968
	William Henry Harrison	Whig	73		
	Hugh L. White	do	26	244	769,350
	Daniel Webster	do	14		
	Willie P. Mangum	do	11		
1840	William H. Harrison	do	234		1,274,203
	Martin Van Buren	Democrat	60	294	1,128,303
	James G. Birney	Abolitionist	1		7,669
1844	James K. Polk	Democrat	170		1,329,023
	Henry Clay	Whig	105	275	1,231,643
	James G. Birney	Abolitionist	1		66,304
1848	Zachary Taylor	Whig	163		1,362,242
	Lewis Cass	Democrat	127	290	1,223,735
	Martin Van Buren	Free-soil	1		291,878
1852	Franklin Pierce	Democrat	254		1,585,545
	Winfield Scott	Whig	42	296	1,383,537
	John P. Hale	Free-soil	1		157,296
1856	James Buchanan	Democrat	174		1,838,229
	John C. Fremont	Free-soil	114	286	1,342,864
	Millard Fillmore	Whig	8		874,625
1860	Abraham Lincoln	Republican	180		1,866,452
	Stephen A. Douglas	Democrat	12	303	1,375,057
	John C. Breckinridge	do	72		847,953
	John Bell	Whig	39		590,631
1864	Abraham Lincoln	Republican	212	233	2,223,035
	George B. McClellan	Democrat	21		1,811,754
1868	Ulysses S. Grant	Republican	214		3,016,351
	Horatio Seymour	Democrat	80	317	2,706,637
1872	Ulysses S. Grant	Republican	285		3,597,070
	Horace Greeley	Liberal	1		2,834,079
1876	Rutherford B. Hayes	Republican	185		4,023,950
	S. J. Tilden	Democrat	184		4,284,865

An analysis of this table will show very forcibly the defects of our present mode of elections. It demonstrates that the number of electoral votes has no just proportion to the number of popular votes cast. The first case in this table was the election in which General

Jackson and John Quincy Adams were the opposing candidates. General Jackson had 152,899 votes, against 105,321 votes cast for John Quincy Adams. There were other candidates, and Jackson did not have a majority over all. He had a majority over John Quincy Adams, his principal competitor, of 50,551, but he did not have a majority of all the electoral votes cast, as required under the Constitution, and the election was thrown into the House of Representatives, and John Quincy Adams, by the machinations of politicians, was elected in spite of the popular will.

Colonel John H. Wheeler has made an interesting analysis of the various elections named in the table above, a part of which I give below:

The next election, (1828,) while the popular majority for Jackson was 137,870, in a total vote of 1,162,180, his electoral majority was 95, in a total of 261; that is, the popular ratio was as 1 to 8; the electoral majority was as 1 to 2½, a ratio three times greater.

In the next election (1832) this disparity appears still more glaring. While Jackson's popular majority was 137,313, in a total vote of 1,217,691, or as 1 to 9, his electoral majority was 150, a ratio seven times greater.

In the next election (1836) the popular majority for Van Buren was but 2,608, in a total vote of 1,541,318, while the electoral majority was 124, in a total vote of 294; that is to say, the ratio of the majority of the popular vote was but as 1 to 600, while the ratio of the electoral majority was less than 1 to 6, a ratio 100 as great.

In the election of 1840 Harrison's popular majority was 145,900, in a total poll of 2,402,506, a ratio of 1 to 16, while his electoral majority was 174, in a vote of 294, or nearly ten times greater than the popular majority.

In the next election (1844) Polk received but 31,000 majority, in a total of 2,626,956, or 1 in 900, while his electoral vote was 65 out of 275, or 1 to 4; 200 times the popular vote.

In 1848 General Taylor was in a minority of the popular vote; his vote being 1,362,242, and Cass and Van Buren had 1,515,173; and yet he received a majority of the electoral votes.

In 1852 Pierce's popular majority was 202,008, in a total vote of over 3,050,000, a ratio of 1 to 15, while his electoral majority was 192, out of 296 votes, a ratio ten times as great.

In 1856 Mr. Buchanan was in a minority of the popular vote; he received 1,838,229, while the vote of Fremont and Fillmore was 2,216,789; and yet he received a majority of the electoral votes.

In 1860 Mr. Lincoln was in a minority of nearly a million of popular votes. He received a total vote of 1,866,452, while the vote of Douglas, Breckinridge, and Bell combined was 2,813,741; and yet Mr. Lincoln received a majority of 124 in an electoral vote of 303. This election demonstrates in a most conclusive manner the fallacy of the electoral mode, and the possible misrepresentation under it of the popular will. Lincoln received 180 votes, and Douglas only 12, out of 303 electoral votes. In the popular vote Lincoln received 1,866,452, while Douglas received 1,375,157 votes.

In 1864 Lincoln received 2,223,035 and McClellan received 1,811,754 of the popular vote, while in the electoral college Lincoln received 212 votes, and McClellan received 21. A ratio of 22 to 18 in one case to 12 to 1 in the other.

In the presidential election of 1868 General Grant received a popular majority of 309,716 in a total vote of 5,722,990. The ratio being about 10 to 9, while his majority of the electoral vote was 134 in a total vote of 294, the ratio being in that case as 13 to 5.

In the election of 1872 General Grant received 3,597,070 votes, and Horace Greeley received 2,834,079 votes; Grant's majority being only 727,975, and yet Grant received 26 electoral votes, and his poor opponent received none, while Charles O'Connor having but 29,408 of the popular vote received 42 of the electoral votes.

But the last election held shows the monstrous outrage that can be perpetrated upon the popular will by the machinery supposed to be sanctioned by our mode of election. Rutherford B. Hayes is represented as receiving after the revision of the returning boards and the electoral commission 4,033,950 against 4,284,757 votes allowed to Samuel J. Tilden, the democratic candidate, leaving Hayes in a minority of 156,909. This showing is bad enough without taking into consideration the action of the Louisiana and Florida returning boards. It is here seen that a person who has not received a majority of the popular vote can still be made the President of the United States under the present electoral system. Even worse, it is shown that a person who has received a large minority of the popular vote may be elevated to the presidential chair. A system productive of so much injustice, fraud, intrigue, and corruption cannot be tolerated by the American people. Many attempts have been made in the past to change it. In 1823 Mr. McDuffie, the great and enlightened statesman of South Carolina, first proposed an amendment upon this subject. The prominent feature of the amendment proposed by him is contained in the following:

For the purpose of choosing a President and Vice-President of the United States, each State shall be divided by the Legislature thereof into so many districts as the State shall be entitled to Representatives in Congress, and each district shall be composed of contiguous or coterminous territory, and contain, as nearly as may be conveniently, the number of persons for whom the State is entitled to a Representative according to the apportionment; which districts, when laid off, may not be altered until after another census shall be taken.

The inhabitants of each of the said districts who shall have the qualifications requisite for electors of the most numerous branch of the State Legislature, shall appoint one elector; of President and Vice-President having the same qualifications. The electors appointed shall meet in their respective States and appoint the other two electors to which the State is entitled, and also fill up vacancies, if such there shall be, from death, sickness, inability, or non-attendance of electors appointed by the people. The whole number of electors of each State shall then vote by ballot for the President and Vice-President, one of whom at least shall not be an inhabitant of the same State with themselves.

The remainder of the amendment relates principally to the details of the proposed change. Mr. McDuffie, as chairman of the committee appointed for the purpose, accompanied this amendment by a learned and able report in which he reviewed the evils of our present system. He also advocated its adoption in a masterly speech, from which I beg leave to quote a part:

In bringing forward a proposition so fundamental in its character and calculated in my opinion to exert a lasting influence upon the happiness of future generations it is a source of sincere gratification to reflect that the measure does not rest upon

the recommendation of an individual so humble and inexperienced as myself, but that its leading provisions (subject to some subordinate modifications which I hope will be adopted) are approved and sanctioned by many of the most profound and experienced statesmen of the country.

This proposition has been for more than eight years before the nation; it was recommended by a majority of the States and a change has been anxiously desired by a large majority of the American people. When to the imposing weight of these circumstances we add the consideration that the great body of the people are at this moment deeply and justly excited upon the subject it must be apparent to every member of the committee that this proposition comes before us with a weight of authority which imperatively demands and will undoubtedly secure for it the most solemn and dispassionate consideration.

It is seen that at the early period of 1823 this subject had already excited very general interest.

In 1823 Thomas H. Benton proposed in the Senate of the United States an amendment of the Constitution upon the same subject. It had for its objects, first, the division of the United States into electoral districts; second, the abolition of the use of intermediate electors; and, third, the election of the President and Vice-President by the direct vote of the people. He delivered, in support of his amendment, an able and exhaustive speech upon that subject, in which he commented severely upon the abuses of our present system and spoke emphatically upon the evils of a general-ticket system.

At a later period in our history several amendments to our Constitution were proposed on the same subject. General Jackson in all of his messages recommended the abolition of the system.

In 1872 Senator Morton offered a resolution in the Senate of the United States instructing the Committee on Privileges and Elections of that body to examine and report upon the best and most practical mode of electing a President and Vice-President. In pursuance of that resolution an amendment was reported in 1874 in which the election of President and Vice-President is committed to a direct vote of the people upon the district plan similar to that proposed in 1823 by Mr. Benton.

In 1875 Mr. Horace H. Harrison proposed a similar amendment in the House of Representatives and accompanied it by a learned and able report. Mr. H. Boardman Smith, the chairman of the committee that had charge of the examination of the subject, dissented from the report of the committee and submitted an amendment of his own, which, on account of its originality, I will in part give:

SECTION 1. The President and Vice-President shall be elected by the direct vote of the people, but no voter in any State shall vote for candidates for President and Vice-President who are both citizens of the same State with himself.

SEC. 2. In counting the votes, the aggregate popular vote in each State for President and Vice-President shall be respectively divided by the number of the Representatives apportioned to such State in the House of Representatives and twice the result, the quotient shall be added to the vote of the candidate having the highest number of the popular votes in such State for President and Vice-President respectively as and for the State vote for such candidate. The person having the highest number of votes in all the States, including the popular vote and the State vote, for President, shall be President; and the person having the highest number of votes in all the States, including the popular vote and the State vote, for Vice-President, shall be Vice-President.

The review I have given of the efforts made to reform the Constitution upon the subject of the elections for President and Vice-President, shows that at no period were our statesmen insensible to the necessity for such reformation. It will strike every one as strange, however, that no considerable progress was at any time made toward the adoption of the numerous amendments proposed. An examination of the amendments themselves will show the reasons why they have not succeeded. The amendments all proposed a radical change. No such alarming danger had arisen before the late election as to drive the statesmen of the country from their constitutional inertness.

Furthermore, it was supposed that all of them were an infringement on the rights of the States. This was not true in point of fact; yet the apprehension that their adoption would lead to a centralization of power in the General Government had much to do with their failure. It is therefore necessary in providing a remedy for existing evils not only to examine the evils themselves, but also to take into consideration what might be acceptable to the States, and especially the smaller States, which are so jealous of the unequal influence the present system gives them.

Any proposition that would strike down the advantages they have as represented by their senatorial-electoral votes will incur their opposition, and therefore fail. A plan to succeed, therefore, must preserve as nearly as possible the autonomy of the States. Hon. Charles R. Buckalew, late a Senator from Pennsylvania, and one of the most philosophical political thinkers that this country has produced, proposed a plan which is free from all the objections suggested, and yet, as I believe, proposes a thorough remedy for the existing evils.

Soon after the last presidential election, in February, 1877, I introduced his plan in Congress. I give the bill *in extenso*:

Joint resolution proposing an amendment to the Constitution of the United States of America.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein,) That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by three-fourths of said Legislatures, shall become and be a part of the Constitution, namely:

ARTICLE XVI.

Article 2, section 1, paragraph 2, to be made to read as follows:

"Each State shall be entitled to a number of electoral votes equal to the whole number of Senators and Representatives to which the State shall be entitled in Congress."

The first division of the twelfth amendment to the Constitution, ending with the

words "directed to the President of the Senate," to be struck out, and the following substituted:

"The citizens of each State who shall be qualified to vote for Representatives in Congress shall cast their votes for candidates for President and Vice-President by ballot, and proper returns of the votes so cast shall be made under seal, within ten days, to the secretary of state or other officer lawfully performing the duties of such secretary in the government of the State, by whom the said returns shall be publicly opened in the presence of the chief executive magistrate of the State, and of the chief justice or judge of the highest court thereof; and the said secretary, chief magistrate, and judge shall assign to each candidate voted for by a sufficient number of citizens a proportionate part of the electoral votes to which the State shall be entitled, in manner following, that is to say: they shall divide the whole number of votes returned by the whole number of the State's electoral vote, and the resulting quotient shall be the electoral ratio for the State, and shall assign to candidates voted for one electoral vote for each ratio of popular votes received by them respectively, and, if necessary, additional electoral votes for successive largest fractions of a ratio shall be assigned to candidates voted for until the whole number of the electoral votes of the State shall be distributed, and the said officers shall thereupon make up and certify at least three general returns, comprising the popular vote by counties, parishes, or other principal divisions of the State, and their apportionment of electoral votes as aforesaid, and shall transmit two thereof, under seal, to the seat of Government of the United States, one directed to the President of the Senate and one to the Speaker of the House of Representatives, and a third unsealed return shall be forthwith filed by the said secretary in his office, be recorded therein, and be at all times open to inspection."

Article 2, section 1, paragraph 4, to be made to read as follows:

"The Congress may determine the time of voting for President and Vice-President and the time of assigning electoral votes to candidates voted for, which times shall be uniform throughout the United States."

Strike out the words "electors appointed," where they occur in the twelfth amendment to the Constitution, and insert in their stead the words "electoral votes."

I again introduced it in October, 1877, at a subsequent session of Congress. This amendment was referred to a special committee of the House "on the state of the law respecting the ascertainment and declaration of the result of the election for President and Vice-President." This committee proposed an amendment in which they advocated the vital principle of the amendment of Mr. Buckalew.

In a contribution to the North American Review for March and April, 1877, Mr. Buckalew explains his amendment. It is but just, since he is the author of the plan, that his opinion of it should be presented, especially so since he does it in a more able manner than I can hope to do myself. I read from pages 170 to 174, both inclusive:

The resolution for constitutional amendment introduced in the House of Representatives, February 7, by Mr. MAISH, of Pennsylvania, presents a proposition worthy of deliberate examination. It is in some material respects new, but is simple in its terms, strikes an effectual blow at known forms of electoral abuse, and is plainly founded in principles of justice. The amendment may be conveniently described under three heads of remark: First, it provides for a direct vote by the people for President and Vice-President; second, it retains electoral votes as at present, while dispensing with electors and electoral colleges; and, third, it assigns to candidates electoral votes from each State in proportion to popular votes received by them therein. This last feature of the plan is peculiar to it, and, taken with the others, presents a complete scheme of constitutional amendment.

A direct popular vote for President and Vice-President is highly desirable, if it can be secured without encountering objections which will outweigh its advantages; and therefore most plans of radical amendment relating to presidential elections will comprise or involve it. But the popular majority principle, whether applied to the whole country without distinction of States or applied to the vote of each State, is open to grave objections. In the former case it converts the whole body of American electors into a consolidated democracy, gives unchecked effect upon the general result to all disturbing and sinister influences which assail elections, and opens a field of inquiry in cases of contest or dispute which cannot be well or safely entered upon by a court or by Congress. In the latter case the plan must be combined with some scheme of State representation or proportional vote, which brings in or retains the idea of State electors or electoral votes, and assigns unjust, because inordinate, weight to State majorities; besides, within each State it plainly invites to corruption and all forms of undue influence. Nor do we avoid these objections if we modify the plan and provide for taking the popular vote by districts or subdivisions of States, the majority in each to count as one or more electoral or State votes.

A local fraud under such modified plan may expend its force in a single district, instead of contaminating the whole State return; and the general party majority in the State may not, and commonly will not, carry majorities in all the districts, and thus absorb all the power of the State in the election. In these respects, however, this modified plan affords but a partial remedy, while it calls into existence an evil and a scandal of the first magnitude—one fortunately unknown hitherto in presidential elections—we mean the gerrymandering of States in the formation of electoral districts. The competition in injustice and outrage between parties which the plan would inevitably produce would soon become intolerable. But the Maish amendment, as will be presently seen, is quite free from these imperfections, while it completely accepts and applies the direct-popular-vote principle. It is, therefore, to be preferred to other plans which, aiming at the same object, can accomplish that object only in disregard of great and permanent objections.

In the next place, the amendment dispensing with electors retains to the States electoral votes as at present; that is, to each a number equal to the number of Senators and Representatives from the State in Congress; and this is perhaps a necessary provision in any proposition of change; for, as was explained by an accomplished writer in the last number of the Review, it is not to be expected that the smaller States, including more than one-half of the whole number, will surrender that portion of their power in presidential elections which is now represented by senatorial electors. Such surrender would involve a loss of relative power by each of no less than twenty-one States, ranging from one-fourth to two-thirds of their present voting power. It follows that Congress will not pass by a two-third vote of each House, nor three-fourths of the States accept, an amendment which will dispense with State electoral votes.

By the proportional distribution of electoral votes, based strictly upon the popular vote of each State, several objects of the highest importance will be secured:

1. It will very greatly reduce, in fact, almost extinguish, the chances of a disputed election, by causing the electoral vote of the State to be very nearly a reflex of the popular vote by confining the effect of fraud and other sinister influences within narrow limits and by withdrawing the compact, undivided power of any one State from the contest. Giving a just allotment of electoral votes to candidates, not greatly too many or too few, it conforms to the popular sense of justice and tends to allay passion and prevent controversy. It excludes the temptation to falsify or manipulate election returns, by which the whole vote of the State may be welded in the interest of a party. Under it there would be no rival electoral colleges or double returns of electoral votes, and pivotal States, inviting to profane money expenditure, to fraud, and to false returns, would no longer be known as a conspicuous feature of presidential contests.

2. It will render almost impossible the election of a minority candidate in a contest between two, and will in many cases prevent a plurality candidate from receiving an unjust electoral vote, and often from being improperly returned to the House of Representatives as one of the three persons from whom the choice is to be made, in cases where the power of choice shall devolve upon that House. It will secure justice by insuring fair representation of the people and applying the majority rule to the electoral instead of the popular vote; in other words, all the people will be represented by electoral votes, and the majority principle will be properly applied when the general returns of those electoral votes shall be subjected to computation. Popular disfranchisement within a State will be swept away, while the supporters of no candidate will control more than their due share of electoral power.

3. It will very greatly discourage and prevent unfairness and fraud in elections by excluding the motives which produce them. In this respect its superiority to other plans of amendment is conspicuous and unquestionable. Assuming a ratio of thirty thousand for an electoral vote, a fraudulent vote of ten thousand would mean one-third of one electoral vote—in other words, would mean nothing as to result—instead of meaning, as it now does in many cases, the balance of power in a State, and the control of its whole electoral vote. In a State like New York or Pennsylvania a fraudulent vote of even thirty thousand or forty thousand would affect but one electoral vote out of thirty or forty cast by the State, instead of transferring all those thirty or forty votes from one candidate to another. Speaking within bounds, the effect of any common fraud in presidential elections would become inappreciable, and the motive for committing such fraud would be wholly removed. Could there be a more complete device for purifying and improving elections than this, or one more imperatively demanded by the necessities of the times? District voting for electors would not extirpate this evil of corrupt elections, for the balance of power vote in each district would be the object of money expenditure and evil influence, as we already have them in congressional districts. Ten thousand foul votes in a State might control half a dozen or more districts, while they would be entirely lost when counted in the aggregate or total vote of the State.

One of the most pernicious effects of the present system is the great inducement it offers for the perpetration of fraud. Under the proposed amendment the inducement would be almost entirely removed. The operations of a Louisiana returning board could not, in its most reckless disregard of the votes of the people, affect a single electoral vote. In the pivotal States, where the fictitious majority of a few thousand votes controls the entire electoral vote of the States, what frauds are not resorted to! An administration struggling for the perpetuation of its power through the influence of its patronage and unmitigated use of money makes States like these the scene of corruption horrible to contemplate and dangerous to the existence of the Republic. Under the plan we propose "the game would not be worth the candle," for in most cases the ratio would be greater than all the votes that could be manufactured by all the corrupt means that could be brought into requisition. It would achieve a consummation devoutly to be wished for—a peaceable, orderly, and honest election for President and Vice-President of the United States.

The artificial influences of the elections held in October in the States of Ohio and Indiana would be completely destroyed, for the results in those States then would give no indication or suggest any intimation what the result of the presidential election would be in the Union.

I have yet better reasons to advance in favor of this amendment, which I trust will not be disregarded. The bane of our politics in the past and the present is sectionalism. Its effects in the past history of the country need not be told. It was hoped by many that we could after the war enter upon a career of fraternal feeling and mutual good understanding; that no sectional issues would arise; that party lines would not be drawn between the different sections of our country. But it must be a matter of serious concern to all who are interested in the future tranquillity and prosperity of our country to hear such words as a "solid South" and a "united North." A distinguished writer once said that "Ideas govern the world or throw it into chaos."

Unreasonable as may be the cant of the politician, we know from bitter experience that party lines drawn upon issues like these engender sectional hate and, as I believe, will, as heretofore, lead to a dissolution of the Union or revolution. We all realize its tendencies. Consolidation of interests in one section begets a countervailing consolidation of interests in another, and thus section is arrayed in deadly hostility against section. The election of President and Vice-President as we now have it is, as it always has been, the chief source of this trouble.

When the time comes in our presidential elections, as it inevitably will under the proposed plan, that a republican candidate for President will receive a portion of the electoral vote of the State of Georgia and a democratic candidate for the same office will receive a portion of the vote of Massachusetts, sectionalism will disappear from our politics, fraternal feeling will spring up between the sections, and the President so elected by votes from all sections of the country will feel that he is the President of the whole undivided country.

I pause here to notice an objection that has been made to the plan suggested. It has been urged as an objection to this plan that it interferes with the rights of the States. Mr. SOUTARD, of Ohio, in a speech delivered by him on the 14th of February last, has ably met these objections. The plan we advocate was ably presented in a report of the committee heretofore mentioned of which Mr. SOUTARD was chairman. The minority of that committee did not concur with the views of the majority, and among the objections then urged in a report they presented are found the following:

The proposed plan takes away from the political bodies the right to speak, each for all its people, and permits minorities to speak to the whole United States, to have their voice heard here in the aggregate result, to become in effect voters of the United States instead of voters of the States. The right to speak by a majority when its fundamental laws permit, is a right inherent in every republic.

This plan takes away from these republics (the States) this right to speak by their majorities, and confers upon the United States the right to say by a majority of the whole who shall be President and Vice-President. Why should the right of a majority in a State not be as sacred as the right of the majority of the whole United States; why rob the States of this right and confer it upon the General Government? Is it not too clear that this is simply another step toward consolidating the States out of sight in our system?

This objection is founded upon the idea, as will be seen, that the Constitution provides for the election of the President by the general-ticket system. This position is wholly untenable. It can be successfully shown that the framers of the Constitution contemplated no such election. Mr. McDuffie, in a speech I have already quoted from, answers that question, and I give here what he says upon that subject:

I have already shown, from the highest authority, that the convention intended that the electors of the President should be chosen by the "immediate act of the people of America." I will now attempt to show that it was equally intended that the people should vote by districts. I believe I may safely assert that at the time the Constitution was framed the general-ticket system, by which the whole population of a State gives an aggregate vote, either for Representatives or other public agents, was unknown in the political history of the world. I call upon gentlemen, if any such example existed, to produce it. It is an invention of aftertimes, the mere offspring of temporary expediency, and never entered into the conception of the convention. By diverting to the proceedings of that body it will be seen that all the propositions involving a specification of the mode of choosing electors and members of Congress contained a provision for dividing the States into districts. The mode of choosing was finally left to the State Legislatures, that they might regulate the details of the election, but in the confidence that they would adopt the only plan of popular election which had ever existed.

Mr. Benton, in commenting upon this feature of our presidential elections in his speech in the Senate of the United States in 1824, made the following forcible remarks:

The general-ticket system now existing in the States was the offspring of policy, and not of any disposition to give fair play to the will of the people. It was adopted by the leading men of those States to enable them to consolidate the vote of the State. It would be easy to prove this by referring to facts of historical notoriety.

If it be true, and that it is it seems to me there can be no doubt, that a district system was the one that our fathers had in view, then no invasion of the rights of the States will follow by the adoption of the proposed amendment, for it does not in any way affect the status of the States that would not also be so affected by the district system. Their argument shows that the departure from the original intention of the framers of the Constitution has resulted in the acquisition of power by the States which the Constitution does not warrant, and the amendment will result only in a restoration of those powers which were originally granted. The election of President and Vice-President contains no surrender of power by the States. It is an arrangement between the States made by the terms of the Constitution, and when the States entered into the arrangement each impliedly agreed that they would perform their part of the agreement honestly and faithfully. The practice that has grown up is a violation of the letter and of the spirit of that agreement.

It might be interesting to show what effect the proposed plan would have had on the last presidential election. The table giving the number of electoral votes each of the prominent candidates received shows that Mr. Tilden received a majority of eleven, irreversible by intrigue, fraud, or corruption. I present this table here to establish this important fact:

States.	Tilden.	Hayes.	States.	Tilden.	Hayes.
Maine	3	4	Texas	6	2
New Hampshire	2	3	Arkansas	4	2
Vermont	2	3	Missouri	9	6
Massachusetts	5	8	Tennessee	7	5
Rhode Island	2	2	Kentucky	7	5
Connecticut	3	3	Ohio	11	11
New York	18	17	Indiana	8	7
New Jersey	5	4	Illinois	10	11
Pennsylvania	14	15	Michigan	5	6
Delaware	2	1	Wisconsin	5	5
Maryland	4	4	Iowa	4	7
Virginia	7	4	Minnesota	2	3
West Virginia	3	2	Kansas	2	3
North Carolina	5	5	Nebraska	1	2
South Carolina	3	4	Nevada	1	2
Georgia	8	3	Colorado	1	2
Florida	2	2	Oregon	1	2
Alabama	6	4	California	3	3
Mississippi	5	3			
Louisiana	4	4	Total	190	179

That gives Mr. Tilden the eleven majority to which, according to the popular vote in each State, he is entitled.

A similar application of this plan to all the elections held in this country will show, first, that the will of the people would in all cases have been observed; secondly, that the usual concomitants of intrigue, fraud, and corruption would have been futile to defeat that will.

The district system, which has been strongly advocated, though I recognize it as an improvement on our present system, is yet liable to many objections from which the proposed plan is free. Close districts would offer to a limited extent the same inducement for fraud and corruption that the pivotal States now do. Many districts in the country would be nearly equally divided. These would invite all the political machinations that are usually resorted to to carry elec-

tions, notably such as the importation of voters and the gerrymandering of the States, thus depriving us of the benefits which we confidently hope will result from the amendment.

This amendment is presented in the conviction that it will produce all the benefits that are claimed for it. We maintain that it will produce the following results:

1. It will render practically impossible the election of a minority President.
2. It will insure a just and equitable expression to the popular will.
3. It will almost entirely extinguish the chances of a disputed election.
4. It will remove the principal inducements for the perpetration of intrigue, corruption, and fraud, by rendering abortive all such attempts.
5. It abolishes the presidential electors, a useless, cumbersome, and dangerous agency in our mode of election.

Lastly, it destroys sectional issues, so dangerous to the peace, harmony, and safety of the country.

Are these not objects that should excite the interest and active support of our legislators? We fervently hope that this important question may receive the prompt and zealous attention of our future legislators, here and in the States.

Resumption.

SPEECH OF HON. BENJ. T. EAMES,

OF RHODE ISLAND,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 22, 1879.

The House having under consideration the bill H. R. No. 805, as amended by the Senate and proposed to be amended by the House—

Mr. EAMES said:

Mr. SPEAKER: As a member of the Committee on Banking and Currency, which authorized the gentleman from Ohio [Mr. EWING] to move the amendments now pending, I desire to say to the House that the committee were not unanimous in agreeing to these amendments. Of these amendments, the most important is that which prohibits the further sale of bonds from the proceeds of which to derive the coin which may be necessary in order to continue specie payments. Resumption is now an accomplished fact. Under the act of January 14, 1875, it has been secured without disturbing in any way the business interests of the country.

This amendment, if adopted, may defeat its maintenance. I do not think that it will; but, as it possibly may, I do not think it ought to be approved by the House. If it becomes the law it will take from the Secretary of the Treasury the means by which he was enabled to resume specie payments on the 1st of January last, and which may be necessary in order to enable him to continue resumption.

The necessity of a fixed standard of all values in the transactions of business is agreed to by all. Without such standard the wages of labor and the price of all commodities would vary from time to time as certainly as if the ounces to the pound or the inches to the yard should from time to time be changed. And except by the advocates of what is called absolute or fiat money, it is also conceded that the precious metals, gold and silver, furnish the best standard for such measure, and that when paper, with gold and silver, is a part of the circulating medium, it ought to be equal in purchasing power to that which is the standard of all values. With paper as a part of the currency for the business purposes of the country, it is as important to continue as it was to begin the resumption of specie payments.

Under existing law resumption has been accomplished. The legal tender is now, and since the 1st of January last has been, equal in purchasing power to coin. If no change in the law is made, it may be kept as a part of the circulating currency, equal in purchasing power to coin. And although I do not think that it will be necessary by the further sale of bonds to maintain the equality which now exists between the legal tender and coin, it seems to me to be unwise, if any such necessity should exist, to take from the Secretary of the Treasury the authority to obtain by the sale of bonds the coin which may be necessary to pay in coin any legal-tender note which may be presented, and thus maintain its equality with coin.

So far as any legislation has aided in the resumption of specie payments, it has been by the authority which has been given to the Secretary of the Treasury under the act of January 14, 1875, by the sale of bonds to obtain the coin necessary to meet any demand made for the redemption of any legal-tender note. In my judgment the coin which has been accumulated is more than sufficient to meet any demand which will be made for the redemption of any legal tenders which may be presented.

The paper circulation of the country consists of legal-tenders and national-bank notes. The banks will take care of their own circulation; and so long as the legal-tenders are not in excess of the demands of business for a paper currency, but a small amount of coin will be required to meet any demand for their redemption in coin. The legal-tenders are more convenient for all business purposes than

coin, and if equal in purchasing power, will, for that reason, be preferred to coin. But as there may be a necessity for the further sale of bonds to maintain specie payments, I hope that the motion to lay the bill on the table will prevail.

Proposed Amendment of Revenue Laws Decreasing the Tax on Tobacco.

SPEECH OF HON. JAS. W. COVERT,

OF NEW YORK.

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 27, 1879.

On the bill (H. R. No. 4414) to amend the laws relating to internal revenue, and the reduction of the tax on tobacco.

Mr. COVERT. Mr. Speaker, I am opposed to the resolution to concur in the report of the conference committee as to an amendment of the revenue laws in the direction indicated by the report just submitted.

I desire very briefly to state my reasons for disagreeing in this particular with the very large majority of those who sit on this side of the House. I have been asked very urgently by personal and political friends on this floor to support this amendment, and have been reminded that at an earlier stage of this discussion I had taken a step in the direction of the result reached by the committee of conference. To the end that I may not be accused of inconsistency, and to show that my opposition to the pending measure is not a factious one, I desire to state, in as few words as possible, the reasons which induce me to cast a negative vote upon the motion to concur.

Very early in the last session of this Congress, the demand was made by gentlemen representing sections largely interested in the production of tobacco for a material reduction in the tax on that article. It was urged by these gentlemen, zealous in the service of those whom they represented, that the existing tax of 24 cents per pound was excessive and imposed onerous burdens upon producers.

From North and South Carolina, from Virginia and Maryland, and from Kentucky, Missouri, and Tennessee, came these demands for reduction. Appeals in this direction were most eloquently presented by gentlemen who in their loyalty to the interests of their constituents overlooked, I fear, the rights and interests of other sections in urging these demands. My friend from North Carolina [Mr. ROBBINS] insisted that the tax should be reduced one-half; other gentlemen urged its reduction one-third. And this latter rate, 16 cents per pound, was finally fixed upon as the rate which should be demanded by the friends of reduction. The discussion upon the proposition dragged its slow length along. Final action was deferred from time to time, and meanwhile the effect of the pendency of the measure was most disastrous.

Apart from the producers of tobacco the manufacturers and dealers in the article in this country aggregate the immense number of three hundred and fifty thousand people. Producers and dealers alike were waiting most anxiously the final action of Congress upon the important question of a reduction of tax. Very many of the larger dealers had in their warehouses immense quantities of the article awaiting manipulation—stock upon which they had paid the existing tax. They did not know, in the uncertainty which surrounded the question, whether to dispose of their stock or to retain it, and the effect of the agitation was to seriously injure business in all the various departments of the tobacco trade. Very many thoughtful men among the dealers in tobacco expressed the opinion that the amount demanded by Government as revenue from this source might be realized if a smaller reduction in the tax could be agreed upon.

In view of this opinion, in view of the stagnation which prevailed in all branches of the trade, and to prevent, what seemed to be imminent, a partial paralysis in this great industry, I submitted to the House in June last, as an amendment to the pending amendment, a proposition establishing twenty cents as the duty upon tobacco. In support of this proposition I urged it as the opinion alike of revenue officers as of well-informed dealers that if any lesser rate should be established there would be great danger of the revenue falling below the amount required by Government, and Congress would be importuned from time to time to legislate again upon this subject, and meanwhile the doubt and uncertainty would be continued and the worst possible results would follow the agitation. The sixteen-cent amendment was finally adopted by the House during the present session, and the amendment went to the Senate for its concurrence.

The Finance Committee of the latter body gave to the matter deep and earnest attention. Arguments were presented by leading producers and their agents, and after full inquiry and investigation the committee reported in favor of a tax of twenty cents, as suggested by my amendment of last June. The Senate rejected the recommendation of its committee and adopted the House amendment. The conference report now under discussion followed, and we are asked to agree upon the tax established by the latter amendment.

The friends of reduction claim that the adoption of their measure will not bring about a reduction of revenue. They claim that the demand will be stimulated, and that revenue receipts will be increased thereby. I cannot but regard this reasoning as fallacious.

All experience has shown that the tax is in reality not paid by the producer but by the consumer. Individual retail sales in tobacco involve the smallest of trifling business transactions. The consumer buys his tobacco in separate small quantities ordinarily, each purchase of an ounce under existing regulations involving a tax of about one and a half cents. No one will in sober earnest claim that the proposed reduction of half a cent upon the ounce will stimulate the retail trade in tobacco. It will have no perceptible effect upon this trade, as shown most conclusively by the recent report of Commissioner Raum, from which the estimate I have just given is extracted. The whole matter of the reduction in the tobacco tax is no new and untried experiment. We have the benefit of past experience to guide us in our votes upon this proposition.

In 1874, when the tax was 20 cents, the receipts were... \$20,900,509
In 1875, at the present rate of 24 cents, the receipts were... 24,133,726
In 1876, at the present rate of 24 cents, the receipts were... 25,634,312
In 1877, at the present rate of 24 cents, the receipts were... 27,053,072

These figures, taken from official sources, show a gradual and steady increase in receipts from year to year while the present rate was in operation. I deem it unwise and impolitic, nay, sir, I deem it almost criminal, in the present condition of affairs for us to precipitate a serious falling off in revenue by the adoption of the pending report.

Mr. Speaker, the question how revenues for the support of the Government can best be raised, how they can be secured with the smallest injury and embarrassment to the people, is a question which in all times has demanded and has received the best thought of the best and most practical of statesmen. It occurs at once to all of us, it is a self-evident proposition, that articles of necessity, those articles which must enter into every household in this wide land, however humble that household may be, are the articles which ought in equity to escape taxation, or at all events be taxed so slightly as that the burden shall be scarcely felt.

There is another class of articles which may be ranked as luxuries on which the burden should fall. The article under consideration, in my judgment, is one of these.

Government reaches forth its hand and demands that from some sources an amount sufficiently large to meet its expenses shall be realized. This demand confronts us always and should be fairly and squarely met and answered. I, for one, sir, would deem myself derelict in duty to the people whom I have the honor in part to represent, if I voted for so sweeping a reduction in this tax, and then should be compelled to vote an increased tax upon some article of real necessity in order to make up for the deficiency in revenue.

Even conceding, for the sake of the argument, that this proposed reduction will benefit the producer, my friend from Virginia, [Mr. CABELL,] and my friend from Kentucky, [Mr. MCKENZIE,] and other gentlemen who have so ably and eloquently presented the claims of their constituents here, forget the fact, it seems to me, that we are legislating in this matter not for a section only, but for the whole broad land. If their demands are acceded to, why may not the Representatives of some distinct interest in the East, some special business in the West, some individual trade in the North, beseege the doors of Congress and demand that like special legislation be enacted for the relief of their several interests. This Congress is not here to legislate for the interest of any one section at the expense of serious loss to the whole country. My amendment to establish a compromise rate as the tax to be placed upon this great staple, was made in the earnest belief that the best interests of producers and manufacturers would be promoted thereby, and that meanwhile the interests of the Government would not perhaps be jeopardized.

I had hoped that as a result of the adoption of the amendment, for years to come, we should have no further agitation upon the subject. There is in this country an immense army of men and women who, in humble subordinate capacities, are laborers dependent upon this interest for their bread. In the large establishments where they are employed; in the smaller shops where this article is made up; in tenement-houses where gaunt poverty acts always as overseer; through all branches of the trade, agitation upon this question affects the amount and price of labor. For the sake of all these people, believing that a medium tax might be a permanent one, I was most anxious that the rate should be the one contemplated by my amendment. I am willing to go no further, and upon this question shall vote to keep the tax at its present rate, believing that the interests of the producers will not suffer, but that the great interests of the Government may be seriously jeopardized by so radical a change.

Chinese Immigration.

SPEECH OF HON. A. A. HARDENBERGH,

OF NEW JERSEY,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 28, 1879,

On the bill (H. R. No. 2423) to restrict the immigration of Chinese to the United States.

Mr. HARDENBERGH. Mr. Speaker, the bill before the House is one which must attract the attention of the entire country for the

novelty of its provisions and the sweep of its effects. Never before, sir, has it been found necessary to prohibit immigration to our shores of earth's oppressed ones, whether from the Orient, whose civilization dates back thousands of years anterior to our own, or those from Europe's shores who, weary with the exactions of despotism, seek a refuge under the more genial influences of the institutions of freedom. The question embraced within the bill is simply this: Is freedom incompatible with any race, and may it not extend its all-conquering arm to every condition of man. The dread arbitrament of war has lifted to the dignity of freedom four millions of people who had been born to servitude, and we have given them welcome to all the purposes and pursuits of citizenship, and in its sequence we have witnessed the astounding fact of a representative of the "despised race" occupying temporarily the Vice President's chair in the Senate of the United States. Shall we argue from this that our institutions are not adapted to every phase of our common humanity. If it be true that the boundless continent is ours, for what is it ours, I ask you—in part for freedom and in part for serfdom, or ours for humanity?

Sir, in the brief life-time you and I have seen we have been the witnesses of prejudices founded on nationality and on creed. They ran their brief career, but found no lodgment in the popular heart, for they were contrary in spirit to the principles which underlie the great structure of our Government. By the passage of this bill we violate our treaty obligations and confess our inability to maintain the cardinal principles ingrafted in our Constitution. The spectacle at least is strange. Forty-five millions of freemen bound by the ties of a common interest founded on liberality and progress must now announce to the world, as they enter upon the second centennial of their national existence, that one nation, and that the oldest of earth, must be forever excluded because our institutions are inadequate to their presence among us.

Sir, I have an affectionate respect for my brethren of the Pacific coast; I have studied their interest as connected with legislation since I have occupied a chair in this Hall. California has many for her inhabitants who left their homes and firesides in my own district, who aided in laying the foundations of that wondrous State, and have since won honors from her people and written their names in boldest characters upon the history of her progress and her development. Yet for all this I cannot, even for California, give consent by my voice or vote that any single portion of my country shall close its ports to the oppressed of earth, from whatever clime they come or beneath whatever skies they may chance to have been born.

The flag that floats on every ocean and commands a world's respect, as it finds a greeting in every port, whether of the Occident or the Orient, should never confess by any act of ours that while it was the emblem of freedom the limits of that freedom were circumscribed, and the majority of the race, in the height of our progress, be refused protection beneath its ample folds.

One word more, Mr. Speaker, and I have done. From China we have a vast amount of importations. Scarce a store of any magnitude upon our continent but has the production of Chinese skill and labor offered for distribution to our people. We send accredited a minister plenipotentiary to reside near her chief court, and she in return sends her minister to us in the interchange of courtesies acknowledged by great nations. Should her embassy consist of more than fifteen persons no single vessel can bring them to our shores. What a blot upon our vaunted progress, what a stain upon our escutcheon!

Sir, I shall vote against this bill and record by my vote as the common verdict of my people that no narrow views are theirs, and that this continent, dedicated to freedom and to progress, will extend its arms to every race inspired with the instincts of civilization and of progress. My constituency is generous, and so shall be my vote as against this proscription bill.

Sundry Civil Expenses.

SPEECH OF HON. BENJ. A. WILLIS,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 24, 1879,

On the bill (H. R. No. 6471) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

Mr. WILLIS, of New York. Mr. Speaker, the sundry civil bill has reference to all branches of the Government, and its consideration therefore yields me the opportunity I crave to discuss generally political problems affecting the administration of laws in the Republic. Before my final departure from this Hall, where I have served, with such fidelity and judgment as I could command, the interests of the people, pardon my desire to leave behind me such views as, in my opinion, should control the policy of this Government. The companions of my service here will, I doubt not, accord me credit for sincerity of conviction, though differing from me somewhat or even widely respecting the theories I shall advocate.

I enter upon this discussion with readier zeal, because I believe that the American people must be educated anew, both as to the duties of

government and citizenship; that the Union to-day confronts a peril a thousandfold more formidable than armed legions; that unless we stake the landmarks of liberty once more the Republic in form will outlast its spirit. We will have the shadow of popular government without the substance. How to avert such a calamity is the problem to be solved. Our institutions alone are founded upon the perfect and just recognition of the only legitimate purpose of human government. Republics there have been in name; democracies, so called, have also had short being at long intervals in the world's history; but we must not permit ourselves to be captured by names, which serve only as decoys to mislead the superficial and unthinking; they were wanting in the essence of republicanism and democracy—were characterized solely by vigorous rulership of ambitious demagogues, who, by the exercise of political arts and contrivances, held an ignorant people in subordination to their purposes and betrayed them into a fancy that they were in actual possession of liberty.

THE PURPOSE OF GOVERNMENT.

What then is this purpose of government? On what political propositions is it based? That no government is of binding force or authority unless emanating from the people and created by their will. Liberty to every man to exercise his faculties and enjoy the fruit thereof is an absolute right, intended by God to secure happiness to every living creature and to assure the highest possible moral development, such right to be exercised and enjoyed as to trench upon no other one's rights. The purpose, then, of government is briefly this: to secure equal enjoyment of this absolute right to exercise one's faculties and enjoy their fruit; to effect this purpose by the enforcement of certain restraints and conditions and burdens which shall operate equally on all, be borne equally by all, and equally benefit all. Any government which does not contemplate this purpose, and is not administered in this spirit of perfect equality, is unrepresentative, undemocratic, and a usurpation which cannot be borne without humiliation and disgrace. Our Government does contemplate this purpose, and has very generally been administered in harmony with this spirit. Such principle was distinctly enunciated in our sublime chart of political wisdom, the Declaration of Independence. It was fortified by constitutional provision in the organic law of the nation. It was announced and vindicated by all of our earlier statesmen. Yet it has been very frequently departed from, very frequently ignored, and sometimes openly, flagrantly assailed, though happily the great heart of the nation has always responded to it; the conscience of the nation has been in accord with it; and though overridden from time to time in measures of finance and taxation, in local and special legislation, in the toleration of a system of serfdom for about ninety years, this purpose is still recognized by all thoughtful men and the observance of it hailed as the only salvation of our Republic, the only assurance that our nation is a republic in reality as also in name. To witness departures from its purpose, driftings here and there from its spirit, should excite no alarm and serve only to provoke a watchful care.

Moral forces are always combating each other. We must be ever on the alert. We must understand the character of government, the relation that one part bears to another. Both knowledge and inclination are requisite.

Safety depends no less upon the people than upon rulers, for government when most favorably administered reflects only the average moral sense of the people.

In this view, then, it behooves us, as foremost of all else, to acquaint ourselves not only with the spirit of our Government, but also with those conditions and limitations which must be observed to insure its just and equal operation. Having accomplished this, what remains is easy; for he who thoroughly understands these will be irresistibly controlled by and enchanted with their intrinsic excellence, logical correctness, and thorough adaptation to the most perfect happiness and development attainable, so that inclination to do our duty will surely come after we acquire a knowledge of what that duty is.

JUSTIFICATION OF GOVERNMENT.

Government, even the most lenient, can only be justified by the sternest and most solemn necessity; it implies force, there is an energy to be exerted, somebody to act, somebody to be acted upon. What then is that necessity which government is required to answer? The law of equal and exact justice, what political thinkers term the law of equal freedom, which proceeds from God, is of God, and therefore has always been the original prime principle by which mankind should abide, a principle the operation of which all human creatures should avail themselves and be benefited by, existing before all society and government, but which unhappily has always been, as the experience of the ages proclaims, invaded and ignored. Abuses of humanity have, from the time whereof tradition reaches not, been frequent; the weak have been preyed upon by the strong; the apathetic, the unthinking, victimized by the ambitious and designing; the honest depredated upon by the dishonest, so that this grand principle of equality has been overridden, and society in its peril has taken refuge by a deputation of its power into government, that is a combination formed to secure the operation of such principle. So you see the principle of equality comes firstly; that principle trampled on by mankind secondly; and government to vindicate that principle and enforce it, thirdly. You now have the end aimed at, equality; the necessity subserved, equality imperiled; the nature of the government, an agency

constituted by the people, drawing its life from their will, subject to limitations and conditions expressed in the fundamental law known as the Constitution.

Government is not an eleemosynary institution for the dispensation of charities or the establishment of religious and collegiate institutions. It is not a moral regulator whose office it is to teach what is right or wrong; what you shall say or leave unsaid; what you shall eat or drink or wear. Nor is it an organization whose function it is to create and carry on grand enterprises, commercial or manufacturing. The moment it crosses the threshold of either of these spheres it trenches on the very law of equality it is designed to enforce; its purpose is prostituted, it betrays its mission, invades the domain of human activity, and becomes a monstrous usurpation. Here is where republicanism and monarchy divide, where democratic principles combat despotism.

To keep society intact, then, is the office of government. Any need beyond this the genius and energy of man will compass. Whether in building telegraph lines, steamships, or public edifices, individual enterprise is always more efficient, more economical, than governmental agency.

IDENTITY OF INTERESTS AND CLASSES.

The interests of all classes of people are identical; any distinctive interest is artificial; any division line between classes is artificial. In nature there are no barriers; there is a principle of harmony in the operations of mankind just as assuredly as there is in the material universe. That principle governments have always assailed. Happily the planets are beyond their reach, for there can be no doubt that, were it possible, wise and sagacious statesmanship, exulting in its enlarged field, would at once proceed to change the order of the seasons—to multiply or diminish the hours of light and darkness, to have rain when it is now sunshine. The whole order of things would be reversed, and of course thunder and lightning, hurricanes and earthquakes, would be forthwith abolished. And why? Oh, the public good demands it! It is the voice of common justice, of expediency, and it must be done. Do you doubt this? Alas, then you do not understand this class of people, these wise, long-headed statesmen who believe in a liberal exercise of governmental power, who croak about the demands of expediency, morality, and the public good. They recognize no limitation to governmental power save the limit of their capacity.

RESULT OF MULTIPLYING GOVERNMENTAL FUNCTIONS.

What is the fruit? We have a taste. Special legislation, which has cursed the nation with monopolies, made auction-houses of our legislative halls, brought democracy in disrepute, begat log-rolling, which means combination between varied interests of men sent as special representatives of these varied interests, corrupt bargains, by the terms of which, for the benefit of these varied interests, the nation at large is forced to pay tribute—the few enriched, the many impoverished—the nation divided into classes, prejudices excited and appealed to, the equilibrium of society destroyed, unnatural distinctions between labor and capital created, seeds of hatred sown between them, and a warfare resulting in disturbance to trade, with consequent suffering to all, instituted. If capitalists combine, laboring men will combine likewise. Organization on one side occasions organization on the other. The struggle is uncalled for, unnatural, grows out of demagogism and the exercise of a function by the Government which does not belong to it, which is special legislation. The same principle which should govern the price of material should govern the price of labor. Government has no business to meddle with the prices of either. When it does, it is a usurpation, and becomes a source of infinite mischief, never reaching the end aimed at; for it combats a principle which eventually asserts its supremacy, and during the pendency of the struggle loss accrues to everybody, but chiefly to the poor laborer.

But more unfortunate still are the experiences of to-day growing out of a wanton disregard of national obligations and the misdirection of governmental functions. Labor idle and starving; capital timid and unremunerative; industry weighed down with oppressive taxation; sumptuary laws enforced; want well-nigh universal; governmental credit still doubtful; the future dark and uncertain, are some of our present griefs—the heritage of false political theories, of an artificial prosperity which has debauched our people, infusing itself into all the channels of society, begetting false ideas of life and a spirit of prodigality which not only rendered the people extravagant, but reconciled them to extravagance in the conduct of government.

Mr. Speaker, what I have said with reference to the National Government applies equally to State and municipal governments, the only difference being that, though the function is the same, each exercises it in a distinct sphere. There is no subordination, no interference; each has duties pertaining to the same function, but peculiar to itself. Any invasion of either ought to be resented, for it assails the harmony of the system and threatens danger to all. To secure the perfect operation of this governmental function our Government is based upon a system of checks and balances—the legislative, the judicial, the executive—each separate and distinct, and yet a conflict impossible. Each is absolute in its province in so far as its prescribed duties are concerned. These three departments are so many supports, standing like huge columns. So long as they are all erect, they can bear any pressure; but undermine either, let either be weakened, bent, or get displaced, and that which leaned equally on three, in the nature of things, is disturbed; its equilibrium is gone,

the balance destroyed. The man who undermines either of these supports, who assails this nicely adjusted balance, who attempts to enlarge the power of one department at the expense of another department, is a more dangerous foe to the life of the Republic than he who emblazons on his brow disunion.

Disunion means a divided nation, simply. The departments of government merged and the balance destroyed, means a dead republic. Sir, all the perils, all the inconvenience, all the evil, comes from a disregard of those limitations and restraints upon government which are found in our written law, and a general acquiescence in such disregard. Resorts to arbitrary measures, when the nation was bleeding and tossing and writhing in a life and death struggle, were justifiable by virtue of that law of self-preservation which has no limitation. Such resorts became customary. The people grew used to them, hailed them as familiar processes, trusting that when war ceased they too would cease; but these processes yielded patronage and power to those who indulged in them. The people on the one hand, not long since absorbed in the grand problems solved by the war, lulled by peace and apparent prosperity into indifference and apathy, overlooked them, while, on the other hand, they who exercised them began to assert them as prerogatives. The result is natural; such a noxious plant must, in obedience to its nature, yield a poisonous, deadly fruit. Better than proportional representation, better than cumulative plans of voting, is a strict construction of the fundamental law, keeping the government within its appropriate sphere, saying to your rulers, "Regard your oaths; step not one foot beyond the line of constitutional limit or you will find death." This will be the only restraint upon the majority that is needful, all the incentives to corruption would vanish, the elements of jobbery would be gone. With special and class legislation, all the ills we suffer from, in the political world, would vanish, stability succeed to uncertainty, and veneration for law become as conspicuous as contempt for it is now painful.

Mr. Speaker, the administration of the republican party since the war has entirely discarded the doctrines I have urged; its career has been tainted with frauds and excesses, all due to the system opposed utterly to the theories I have urged. Limitations and restraints have been wholly out of view. It should be remembered rulers are servants; they should be held to a stern and rigid accountability. Persons occupying official position perform their duties under oath. He who uses that official position to enrich himself or to enhance any private interest violates that oath, and should be scorned by men as he is by angels. He betrays a people who have honored him. He poisons the nation which has been his benefactor. Every man who revels in wealth gathered by political position is a robber who not only despoils the State, but stabs it in the heart, for public virtue, its life-blood, is poisoned.

CENTRALIZATION.

The Union is safe; not so self-government. Unless a great party presents this issue of centralization manfully, there is indeed danger. This is not a new question. It was well defined generations ago. Hamilton believed in a strong central government resembling that of Great Britain, whose functions could be multiplied *ad infinitum* as the public welfare seemed to demand; that the Constitution should receive a broad, liberal construction, while the States should be mere puppets, subordinate to the sovereign power of the nation.

Jefferson expressed views diametrically opposite. He insisted we should have just as small an amount of government as possible; that it should be endowed with the fewest functions possible; that the Constitution should be strictly construed, and that all powers not expressly delegated to the National Government were reserved respectively to the States and the people. The people ranged themselves according to their convictions. The battle was fought and refought until the Jeffersonian system was freely accepted and acquiesced in as a permanent policy of the Republic, and was adhered to until the slavery question superseded all other issues. Then came the war, and in obedience to war necessity centralism succeeded.

But the war over, the plea of necessity gone, we discover the same atrocious system of consolidation practiced, under the auspices of the republican party, to a greater extent than ever before, a system which in its operation has degraded the power and dignity of States, so that they are no longer self-dependent, no longer capable of asserting their consequence or bearing their responsibility.

Local self-government, without which liberty cannot exist, has been stifled and sneered at as an unmeaning principle which belongs to the buried past. Democrats insist that it is an imperative need, which must be restored. For this invasion of fundamental law, this unwarrantable subversion of liberty, the judiciary, no less than the legislative and executive, is responsible.

The Supreme Court, packed to traverse a solemn decree, that the Government had no constitutional right to make its promissory notes legal tender, nullified the doctrine of "*stare decisis*," endowed the Government with the function of banker, prolonged the restoration of confidence, and intensified the business depressions of the country; it has given sanction to arbitrary arrests, and even proclaimed that the National Government can alter, invade, or even annihilate a franchise given under the broad seal of a sovereign State.

Mr. Justice Field's decisions contain the only manly protests, the only loud-speaking signals, against these startling innovations which

if not checked will wholly transform the character of our Government.

To-day the Supreme Court is the most dangerous foe to free government, to individual liberty, to the vested rights of the people, and the safety of the Republic can only be made sure by a reorganization of that court.

So, too, the National Legislature is ever assailing the character of our Government; controlling State elections, not in the South only, but in the North; appointing marshals and supervisors, who, under the direction of such despots as John I. Davenport, disfranchise thousands of voters, depriving them of their liberty, and subjecting them to annoyance and mortification.

His acts of tyranny have, thanks to a judge (Blatchford) not enslaved by partisan command, been pronounced without legal warrant. Test oaths are applied in a period of peace, which utterly overthrow the jury system, making it a contemptible farce, so that all adjudications are dependent on the caprice of ignorant and partisan jurors—a wrong which is approached by no other in the most despotic of nations. It continually asserts new governmental powers, sometimes establishing a new bureau, sometimes claiming a new prerogative for the nation, and sometimes denying a long-enjoyed prerogative to the States.

Mr. Speaker, if democracy is faithful to its traditions, to its platitudes of principles, it will repress this tendency. While conceding that the National Government is supreme in the exercise of all powers within its legitimate scope as defined by express words in the Constitution, the State is no less supreme in matters peculiarly belonging to the State. The war should not in any wise change or transform our political system. The surrender of the confederacy at Appomattox meant that the government of our fathers unchanged should endure throughout the ages in all its purity and simplicity; that national and State governments should survive each in their integrity nowhere clashing, but each to perform unmolested its original functions.

Let us have a strong government, for that government is strongest which has the fewest functions. The man who confines himself to one task, concentrates all his energies upon it, is strong and achieves success. The man who pursues many vocations and distributes his energies is weak and fails in all. So with the Government, when it undertakes any other duty beyond what I have indicated, the protection of the people in the enjoyment of their persons and property, it ignominiously fails. Its agencies are inept and unreliable, its appliances complex and costly, its interference in business affairs, railroads, telegraphs, health matters, banking matters, or what not, invariably stifles private enterprise, dwarfs human energy, and cramps everywhere by its violation of natural laws.

Mr. Speaker, to undo all this mischief, to repair all these evils, it is necessary to have a radical change of policy. The republican party not only brought this condition of affairs about, but are proud of the achievement. The democratic creed promises the needed reform.

TARIFF.

But, sir, in other respects our original policy of government has been departed from and a new departure been had; instead of subserving the just purpose of Government it announces another which defeats that purpose. I mean a tariff, not for revenue but for protection, the worst species of class or special legislation. In this respect there is no safety, no lasting release from the distresses which afflict the nation, save by genuine reform in the conduct of our Government. It is now carried on in the interest of monopolies for the enrichment of favorites. Every session of Congress lobbyists swarm and throng about the portals of the Capitol log-rolling. "You help me and I'll help you" is openly and disgracefully carried on, to the unspeakable injury of the country, for the enhancement of interests which concern small cliques and classes alone. Special legislation in finance, in tariff, and in general administrations has completely superseded, crowded out of sight, almost out of memory, those principles of broad, generous statesmanship which regarded only the interests of all, was indifferent to class or section, tore down all artificial barriers between capital and labor, and befriended only such measures of policy as benefited all, as were based on the law of equal freedom.

Our whole net-work of statutes, those which provide for the regulation of finance and the imposition and collection of taxes, are crowded with fraudulent devices and contrivances enacted with intent to cheat, defraud, and impoverish the people. The anti-democratic system is in the ascendant.

Taxes are no longer levied to raise revenue, but to sustain small classes of men who have invested in abnormal and unprofitable industries, to transform them into millionaires. The millions are pauperized, every industrial pursuit is hampered and paralyzed, to augment the possessions of a few capitalists. Every mechanic, every miner, every farmer, every tradesman, every manufacturer, outside of the pampered recipients of governmental favor, are taxed and weighed down with oppressive burdens. No nation on the earth can boast a tax-list as large, with collection machinery as complex and expensive, a levy as unequal and burdensome, a system as inquisitorial and tyrannical, so filled with ambiguities, as that of this free Republic. A government predicated on written law, whose corner-stone is equality, has been gradually changed from the freest and happiest to the most oppressive and costliest on the globe. It is the heritage

of past republican administration, the fruit of republican statesmanship.

We acquiesced for a while, respecting the plea that nothing better could be done under the pressure of necessity in a period of war; but this excuse was idle even then, for had the tariff been for revenue only, had it operated equally as near as might be on all, the receipts from taxation would have been larger, the prosperity of the country more uniform, and the people demoralized infinitely less. There would have been fewer millionaires and fewer beggars; not, as it has been, the rich made richer, the poor poorer.

Now as ever democracy is for free trade. By free trade is meant such a tax levy as leaves enterprise free and unhampered; as leaves natural laws undisturbed in their operation; which regards the natural right of every citizen to buy where he can obtain what he desires most cheaply; to sell the product of his industry where it will command the highest price; as recognizes the principle that no taxation is legitimate or constitutional but that which is employed in carrying on the Government in the exercise of its only lawful function, the protection of the person and property of the citizen, and then in such wise that it will equally benefit all and the burdens be equally borne by all. Such free trade is practicable. Such free trade can come only by change of administration and complete reversal of public policy. No democrat will hesitate to join me in denunciation of this wrong or to unite with me in rescuing the country from the toils of that party which sanctions such vice in legislation; for the levy of protective duties means spoliation and robbery, while it defeats the end aimed at—revenue.

It is a party question. The people pronounced judgment upon it in the last election, though it was set aside by an electoral commission in defiance of their will. The democratic party announced its policy in these words, (see Saint Louis platform, 1876:)

We denounce the present tariff levied upon nearly four thousand articles as a masterpiece of injustice, inequality, and false pretense. It yields a dwindling, not a yearly rising revenue. It has impoverished many industries to subsidize a few. It prohibits imports that might purchase the products of American labor. It has degraded American commerce from the first to an inferior rank on the high seas. It has cut down the sales of American manufactures at home and abroad, and depleted the returns of agricultural industry, an industry followed by one-half our people. It costs the people five times more than it produces to the Treasury; obstructs the processes of production and wastes the fruits of labor. It promotes fraud, fosters smuggling, enriches dishonest officials, and bankrupts honest merchants. We demand that all custom-house taxation shall be only for revenue.

The people, worn out with exactions and paralyzed by unwholesome trade restrictions, listened to these words worthy of the Republic in the era of its simplicity and virtue, worthy the spirits of Jefferson and Jackson, and accepted them as their own. It becomes us to embody this popular resolve in legislation. To delay this reform is criminal. To make it practicable the Executive must be in accord with both branches of Congress.

FINANCE.

Mr. Speaker, the republican party is responsible, too, for the vexation endured by the nation by reason of the unsettled condition of the currency. I cannot more aptly present this record than in the words addressed by me to this House on a former occasion:

REPUBLICAN RECORD ON FINANCIAL QUESTIONS.

But the republican party, Mr. Chairman, have a record; and here it is: First. They authorized the issue of Treasury notes and enacted they should be legal-tenders in all transactions, public and private, without any constitutional warrant or authority.

Second. They supplemented that unconstitutional act by an error equally as gross, in making the interest on the bonds payable in gold instead of currency.

Third. They violated the plighted faith of the nation by the repeal of the act which solemnly provided for the conversion of what was called legal-tenders into 5-20 bonds, thereby outraging every principle of justice, violating all law, and doing that which was no less injurious to the moral sense than to the material interests of the country.

Fourth. When the receipts of the Government vastly exceeded its expenditures, instead of hoarding the gold in the coffers of the Treasury and preparing a fund for ultimate redemption, instead of liquidating the indebtedness of the Government, which was dishonored, and paying off the debt which was overdue, they appropriated the surplus means to the payment of debt which was removed twenty years from maturity.

Fifth. After pledging themselves to the policy of contraction, after approving the measures resorted to by Secretary McCulloch, after solemnly pledging themselves by a vote of this body, there being a minority of only six, to approve and sustain that policy, they committed the great crime of the century by lending themselves to speculators and adventurers, the henchmen of this Administration; to the men to whom subsidies had been given, in money and land, to aid them in floating these iniquitous enterprises. And the collapse quickly followed.

Sixth. It has assailed the doctrine of *stare decisis*, which under monarchical systems is even beyond the reach of the Crown. It has inflated the Supreme Court in order to legalize inflation, and, in defiance of all precedent, reversed a solemn decree of that court, subordinating one branch of the Government by a combination of the other branches.

Seventh. Not content to abide by that decision, which was the result of its peculiar policy, and which set at least a limit on this act of folly and state crime by declaring that legal-tenders could only be issued under the pressure of necessity in a period of war, they actually issued yet more and inflated the currency yet further without even the pretense of legal authorization.

All this accumulation of crimes and blunders are the only vouchers which the Administration presents to the American people. It says: "Behold, here is our past; from that judge what we will do in the future. Are we not champions of the nation's honor?"

This is strictly true.

Favorable balance of trade and recuperation of our industries have vastly improved our financial condition. A dollar and a promise to pay a dollar have become equal, and will remain so as long as conditions are unchanged; but we have no real resumption and will have none so long as the Government exercises the illegal power of re-

issue. Redemption is cancellation. We are on the high road to inflation. Artificial prosperity may follow, but eventually we will, if the present policy ensues, suffer another collapse of credit, another period of agony and depression. There is no security, there can be no final adjustment of the financial question, until the last greenback dollar is destroyed.

Secretary Sherman is committed in another direction. In his annual report for 1877 he argued in favor of reissue. Now, sir, I maintain that every dollar of greenback money paid out is in violation of the Constitution, even accepting the legal-tender decision, for there is an absence of all necessity; there is coin in the Treasury beyond the requirements of coin liabilities. Could this question be settled by the Supreme Court affirmatively, as I believe it would be if submitted there, the country would be relieved from one of the greatest curses that ever afflicted a nation, an inconvertible currency.

Let some patriotic citizens unite in presenting a case of this kind to the courts and procure a judgment, and they will be justly esteemed as public benefactors. This done, the business of banking will be remanded to the people. We will have a system of free banking embracing these needful conditions: absolute security for the bill-holder; uniformity in issues; convertibility in coin on demand. This will insure safety, convenience, and accommodate itself respecting the amount of circulation to the requirements of trade.

The funding of the national debt at a low rate of interest at the rate of several millions per day, thereby relieving the people of a burden which should soon be felt in reduced taxation, is a fact which should yield great satisfaction; it bespeaks not only a superfluity of money, but unlimited faith in the integrity of the Government. Yet this great joy is marred by the unwarrantable act of the Secretary, who, notwithstanding the popularity of the loan, has, that a few of his friends might thrive and enrich themselves, taken advantage of the occasion and given exclusive privileges and advantages to a syndicate to dispose of a large fraction of it. Why he has subjected the people to this needless cost; why he has unnecessarily placed them in foreign markets when they would find their way there without his intervention; why he has exhibited this partiality to his special friends, is a conundrum he should be compelled to answer.

THE ARMY.

Mr. Speaker, while immense reductions have been made in the cost of the Navy, the Army is still a most burdensome and oppressive branch of the service. Its organization lacks simplicity and strength; its administration has been faulty, even criminal, under republican auspices. Forces intended to protect the frontier from the ravages of hostile Indians and marauding Mexicans have been employed to oppress State sovereignties, to keep alive the rule of vice and ignorance in the South; ay, to subvert the will of the people at the ballot-box. True, they have not during the two years last past been employed for the latter purpose, whether for lack of occasion or change of policy time will teach us. Suffice it to say, it was employed in the last presidential election, and proved an effective auxiliary to the base men who conspired to defeat the will of the people and made possible the success of that crime, matchless in infamy, perpetrated by the electoral commission. It was the ally of perjured returning boards in Florida and Louisiana.

The republican party have always been intent, and are to-day, upon increasing this force. It insists that it shall be used at the will of the Executive to supervise elections. Members on this floor have unreservedly demanded that this shall be done; that it is a prerogative of the National Government to exercise this right; that State sovereignty, individual liberty, shall be at the mercy of the Chief Magistrate and the General of the Army, subject to their caprice. This atrocious doctrine is another legacy of the war-fiend. So long as it can be advocated or defended in the National Congress, so long is ours a sham Republic.

There is but one way to repel this evil, and that is to repeal the infamous statute which permits the wrong. This Congress will attempt to do, and, as I believe, will not vote another dollar for the support of the Army until it is done.

Let the Representatives of the people prove themselves the custodians of the national safety and constitutional integrity. Let them exercise their rightful prerogative and command a halt to the exercise of a power which menaces liberty. The people will not only justify but applaud; future generations will quote as an instance that a mighty people who saved the Union from the assaults of an armed foe performed a yet greater glory in overthrowing a tyranny which, under the guise of public safety and purity of the ballot-box, had undermined even the Constitution.

There is no occasion for a large standing army.

The American people should not be weighted with heavy taxes to defend the Rio Grande. If Mexico tolerates ravages on our border, make demands upon her for reparation, and compel it if necessary. Diplomacy, not arms, is the method.

From the Indians we have nothing to fear. All our troubles and disorders—war is a misnomer—come from wrongs inflicted upon them by speculators, from breaches of treaty and robbery of reservations on the part of our Government. Fair-dealing and straightforward negotiation would result in lasting peace. Cease to corrupt them, extend to them the appliances of civilization, they would respect our authority and never massacre our people on the far-away border. No longer trust to the Army; inaugurate an honest policy; visit con-

dign punishment upon the wretches who for self-aggrandizement plunder and betray an expiring race. Allow them to enjoy their hunting-grounds in security and we will ascertain that humanity and fair play are infinitely more effectual to prevent frontier outbreaks than a large standing army.

Nor should a standing army be maintained to subordinate labor to capital, to protect local communities from mob violence. Such is not the lesson of the strikes. It is this, that State sovereignties, shorn of their strength by the despotic centralism of the last ten years, should recover their lost energy, assert anew their dignity and consequence, and they would readily become competent to do as New York and New Jersey did—cope with and overmaster domestic violence and insurrection.

A standing army is the extravagant curse of every great nation on the globe, and has been so always. It is perilous to liberty, and will not be tolerated by our people, at least so long as the deeds of a Roger or a Sheridan linger in their memory. We will incur no further risk; the stability of our institutions, the liberties of our country, the good name of the Republic, are immeasurably more important than the prompt suppression of Indian hostilities, the catching of a few thieves on the banks of the Rio Grande, or the protection of Thomas A. Scott's property from the fury of a mob.

The patriotism of the people is equal to any emergency, and upon even the appearance of danger the earth would bend under the tread of invincible legions. Reduce the cost and size of the Army. If present rulers fail to do it, future ones will enjoy that privilege and glory.

NAVY.

Another illustration of the frands, abuses, and irregularities that have been practiced by a republican administration is afforded by the investigation of the Navy Department, not in the presence of the exigencies of war or the apprehension of prospective war, not the product of carelessness, but of reckless, persistent, deliberate, disregard of legal restraints and violation of plain statutory provisions—millions upon millions needlessly squandered to enrich those who enjoyed favor from the minions in authority; favoritism, the most unblushing, accorded to unworthy recipients; tolls corruptly exacted for the purpose of controlling elections; moneys intended for existing contracts diverted and paid out to the extent of millions for open-order purchases, so that honest creditors suffered irreparable loss by non-payment of their claims, while the national faith was impaired by the failure of the Government to promptly discharge its obligations.

Mr. Speaker, the fault lies not altogether in the laws, but in their administration—wisely, honestly executed, in conformity to legislative intention, we should never have been humiliated by this disgraceful exhibition of fraud and corruption, the result of which is that contempt of law characterizes the whole Department. An impoverished people have been subjected to yet greater impoverishment, the habit of abuse has been communicated from the head to all the branches of the service and has obtained in nearly all the bureaus, so that officers whose official conduct has been faithful and eminently praiseworthy have been tainted by the shadows of fraud and dishonor. I except from this general denunciation one officer temporarily at the head of a bureau, whose administration, though not wholly exempt from criticism and blame, I gladly acquit of any complicity in the policy of shame and disgrace I have depicted. I refer to Paymaster-General James H. Watmough. What occurred in his bureau worthy of reprehension, he was in no sense responsible for; he tolerated no rascality; he never permitted his expenditures to exceed the amount of moneys due to his bureau, and the deficiency in it grew out of an illegal diversion of its moneys.

Sales of old material were instituted by his predecessors and sanctioned by the Department, and hence this practice was not the result of his choice. The proceeds of these sales as to old clothing reverted to the clothing fund, where it belonged. As to the residue, obtained from the sale of perishable provisions, it was always at hand to be turned in to the Treasury if the Secretary of the Navy saw proper to do so.

The failure to advertise for bids in making purchases—a most blamable practice—while it occurred in his bureau, was not because of his fault, for the Secretary of the Navy failing to advertise, the exigency contemplated by law occurred, and it became necessary to purchase according to the open-order system.

The report of the Naval Committee to which I subscribed contains also a mistaken statement, (see report Naval Committee, page 12,) "some of the sales being made so private as to be requested by the head of the bureau to be considered confidential for a time." This is untrue. The request was made by the purchaser, not the head of the bureau, and merely on the supposition that were the trade to remain in ignorance of his contract and prices that he could dispose of them on more favorable terms.

General Watmough has enjoyed an enviable reputation as a man and an officer during his thirty-five years of service in the Navy. His veracity is undoubted and his statement regarding the transactions inquired into is thoroughly satisfactory, establishing beyond peradventure his innocence and integrity, while it reflects no blame upon others. In justice to him I append it.

My excuse for this digression is that my remarks may do no officer injustice, and that the report submitted by the committee may not

be construed to the prejudice of General Watmough, whose accidental relations with the Department have involved him unjustly in the general blame bestowed on a corrupt and extravagant administration.

Two naval committees have investigated this Department, thousands of pages of testimony have been taken, and notwithstanding the reckless and illegal conduct of officials, no punishment has been inflicted. Perfect impunity has been enjoyed by the malefactors; violations of law are hailed as precedents which justify new violations, so that the whole service has been debauched.

Congress has paid off the indebtedness, amounting to about three millions, and saved to the country a further indebtedness of \$3,600,000. It has, without crippling the service, reduced the annual cost of the Navy \$7,000,000, and when the Senate and Executive become democratic will, I doubt not, reform the service altogether; elevate it by putting an end to favoritism, enforcing respect for law, providing penalties for its violation, and making it worthy of a fame which is illustrated by the achievements of Admiral Porter living and Admiral Farragut dead.

WAR CLAIMS.

Mr. Speaker, another source of expenditure, amounting to millions of dollars, is the payment of what are known as loyal claims—a constant drain upon the Treasury, for which the republican party is wholly and essentially responsible; a system inaugurated years ago, when the whole Government, including the two branches of Government, was under its control. It even instituted a court for the regular termination of such claims, giving them legal sanction by enacting a law providing for their payment. The result is a subsidy, unknown in quantity, bestowed upon men legally and equitably entitled to nothing.

I maintain, sir, that claims which arose in the insurrectionary States subject to the confederate government have no foundation either in municipal or international law, that every dollar paid, whether to loyal or disloyal claimants, has been a burden imposed upon the sweat and toil of the laboring-man. The United States had no jurisdiction over them; they did nothing to support its authority and they should be compelled to suffer a loss which is inseparable from war. I speak of this subject from the stand-point of principle alone, forbearing those comments which might justly be made respecting the evils of special legislation, the perjuries and corruptions that inhere in the system. If Congress is not strangely insensible to the demands of justice, to the necessity for economical administration, it will repeal all laws relating to this subject, cease to pass special laws, and remove forever an abuse so pregnant with evils from the national capital. It is to me an occasion of special congratulation that since the supremacy of the democratic party in this House the evil for the first time has been successfully combated and checked, but it should cease to be altogether.

THE LABOR QUESTION.

This question of labor, now so grave, bears a certain relation to the political parties. It should never have arisen in our politics, and would not now confront us but for maladministration since the war. Had democratic principles prevailed during the last decade the country would not have been disturbed by an agitation between labor and capital; the laboring-man would not have been the creature of poverty or a petitioner for alms-giving by the Government. The democratic party has always been, and I believe will ever be, the sincere friend of the workingman. It has always been the foe to ostentation and extravagance, the opponent of monopolies, and has regarded with jealousy the overshadowing influence of rich corporations. The democracy is a labor party already organized. Let the laboring-men cease to salute strange banners. Let them dismiss all quackery and seek to have the causes removed which have made them acquainted with grief.

We have a country whose resources are unrivaled, a soil whose fertility in any other country would be deemed fabulous, a climate widely diversified, a population intelligent, mechanics more skilled in useful arts than those of any other nation, competent to surpass all the world in foreign competition, and yet their hands are idle, their homes desolate. In the midst of plenty they are in want. There is no demand for the products of their skill. Immigration has ceased. There is no carrying trade of ours upon the high seas. This is because the republican party has by its restrictions upon trade closed to us almost all the markets of the world; by its distribution of subsidies to monopolists and certain classes of capitalists caused an oversupply, for which, in the absence of foreign markets, there is no demand. To make a few hundred thousand rich it has plundered forty millions. It has by its extravagance in administration, its credit mobilities and other innumerable frauds, burdened the people; all the weight has finally to be borne by labor, for by so much as the people are robbed is their capacity to pay for labor reduced. It has until recently subjected the South to rulers who plundered it mercilessly and kept it in a state of chaos, so that one-third of our people have been unable to aid us in bearing the burden of government and have contributed scarcely anything to repair the wastes of war and revive our prosperity. It has by the issue of an inconvertible currency, the fluctuations of which have heretofore cost the people hundreds of millions per annum, obstructed the growth of our export trade. It demonetized both gold and silver by using an inferior currency. But despite short-sighted, ignorant statesmanship, and thanks to the bounty of

Heaven and the economy of a democratic Congress, we are about to emerge from darkness into the sunshine of prosperity—a prosperity that will be permanent if the democratic party shall be enthroned and prove faithful to its pledges.

Trace effect to cause, comprehend the logic of wrong-doing, and you will realize that the workingman has nobody to thank for the harsh ills he bears but the philanthropic, Christian statesmen who call themselves republicans and who for a score of years have exercised absolute control over the direction of the Government.

The laborer has the same rights as the capitalist. All he wants is a fair chance, an open field. If the Government will cease to protect the capitalist, cease to give franchises and privileges to the few which by God's law belong to all, he can successfully fight his own battle, without aid of President or Congress. Remove trade restrictions, give him a market for what he can produce cheaper in America than elsewhere, he will obtain ample reward for his services, and this country, more truthfully than ever before, will be his paradise.

EXTRAVAGANCE OF THE GOVERNMENT.

There has been unjustifiable extravagance in every branch of the Government. Estimates are uniformly far beyond the needs of the service. This statement will not encounter contradiction. Since the democrats have had a majority in this House fraud has been unearthed not alone in the Army, in the Navy, as I have explained, but also in the Indian Bureau, in the Land Office, in the Department of Justice, in the Treasury, in the Printing Office, in the Bureau of Engraving and Printing—everywhere, where the broom has been applied. Officials have flaunted, in gay ostentation, at the capital with profits extorted from the private soldier on the frontier. Contractors have fattened upon plunder at the expense of the poor Indians upon the plains.

But Congress has retrenched, purified, and punished; it has unmasked guilty officials, broken up a system of corrupt brokerage, and saved the people directly an annual expenditure of thirty millions of dollars. This, too, despite republican members who, as debates and records show, spoke and voted invariably against retrenchment, against investigation, always for whitewashing and acquitting the criminal. Even foreign departments have not escaped the contagion of crime, as the reports affecting the Venezuela treaty and the ambassador to China show. (See Exhibit 2.)

PEACE BETWEEN SECTIONS.

The policy of the republican party with reference to the South—the tone of its leaders, were they supported by public opinion, would indicate a most unsatisfactory phase of affairs. The whispers of distrust, the denunciations of stalwart statesmen, betray the existence of a sentiment and passion which patriotism must condemn. We are not Algerines or Turks, but Americans, rejoicing in a Christian civilization. Let us frown upon those who engender animosities to disturb our repose and retard our prosperity. Let us force out of memory our former strifes. Let us accept this undoubted truth, that there can be no Poland or Ireland under the shadow of our flag. Overthrow a party devoted to sectionalism; endow a national party with power. There will then be no variance between North, South, East, or West, for all their hopes, all their ambitions, all their memories, save the chapter of fierce rebellion, are common to each. And even this exceptional experience of fratricidal strife, while we mourn the mutual slaughter it provoked, was a conflict between opposing social and political forces, resulting, in the providence of God, in such wise that a people was released from serfdom and endowed with the honors and glories of citizenship, while a Republic, recognizing the law of equal justice, was made perpetual. Such conflict should serve, not to engender strife, but to attest northern and southern manhood. The results of such conflict are not only acquiesced in, but fortified by constitutional amendment.

Let the wounds of war be healed; let the turf which covers the graves of heroes North and heroes South be watered by pious tears. Let him be spurned as a godless foe to the Republic whose word shall serve to awaken or revive the hates of war. As a soldier, I deem this an easy task.

The questions of to-day must not be shrunk from. He is the truest patriot, the noblest soldier, who instead of boasting deeds of prowess then, performs his duty now; who, instead of boasting Gettysburg and Vicksburg, prides himself upon resisting extravagance and corruption which to-day assail his country.

Let the heroes of armed conflict behold in the battle of to-day fresh opportunity for glory. In this wise we will prove ourselves fit custodians of a nation's honor, fully equal to the responsibilities which attach to citizenship in a free country. In this wise we will give ample proof to mankind that our centennial glory, like the cross of Charlemagne, while emblazoned upon the cloudless sky, is dimmed by no shadow.

Read the records of this Congress, and conclude which of the parties of to-day can be most properly entrusted with the duty of conciliation. Citizens of Carolina and citizens of Massachusetts are once more peers and coequals. The party which does not comprehend this has no occasion to live. The issues of the hour cannot be found in the sepulchers of the past, but in the commanding needs of the present and future; in financial and tariff reforms; in the purification of the civil branches of the Government; in the elimination of abuses in the Army and Navy; finally, in the reduction of govern-

mental functions to the minimum. And this is the mission to which the democracy dedicates itself, to the accomplishment of which it has made solemn pledge to the people.

CIVIL-SERVICE REFORM.

When this Administration was installed in power great expectations were indulged in by virtue of the promises of civil-service reform, which its adherents had trumpeted with the notes of a clarion throughout the world. While the sound proceeded all ears were erect. It was supposed an era of purity and virtue was to be ushered into this benighted land, but alas for fond hopes! a wrecked disappointment awaited us.

We found it consisted in the perpetuation of old abuses; in the employment of unprincipled detectives, who for partisan purposes have hesitated not to attempt the ruin of innocent citizens; in the imposition of new restraints upon trade; in corrupt bargains for place in consideration of support for the Administration; in the appointment of perjured villains to positions of trust as rewards for faithful service in stealing outright the electoral votes of Florida and Louisiana, a grand larceny which comprehended the theft of the presidential office. Removals without cause have been made for political advantages only. So that this pretended reform amounts to the grandest farce, the most complete burlesque of the century.

To reform the civil service, reduce the army of office-holders; appoint none but such as are honest and capable; permit the Government to do nothing that can be done by private individuals; abolish all unnecessary bureaus; uproot all the evils which have resulted from centralization; discharge from position, officers unwarranted by the Constitution—marshals and election supervisors; remand to the respective States all matters pertaining to their jurisdiction; hold officials to rigid accountability for malfeasance. This would indeed reform the civil service. The Government would, instead of being regarded as an enemy to the people, be hailed as their benefactor; and free government would not be mocked by the establishment of a permanent office-holding class, whose existence is compatible only with monarchical governments, but an insult to a people capable of governing themselves. A simple government is an all-sufficient antidote; a central government, involving the destruction of liberty, renders such a resort a necessity. (See Exhibit 3.)

THE REPUBLICAN PARTY.

Mr. Speaker, the republican party has survived the purposes for which it was organized. Its original mission was to prevent the extension of slavery and connect the oceans with a transcontinental line of railway. The madness of the South thrust upon it a graver and sublimer responsibility, to preserve intact the Union of our fathers. Its ranks were swollen with patriots; it devoted itself heroically, patriotically to its task. Success attended its endeavors. The peace brought Union, emancipation, universal enfranchisement, the completion of that grand monument of American enterprise—a line of railroad from the shores of the Atlantic to the shores of the Pacific. I exult that I was a member of the organization; but when arms were hushed we had a war tariff, war legislation in finance and general administration. The welfare of the country, the existence of liberty, commanded a surrender of war powers, a subordination of the military to the civil authority, a restoration of constitutional limitations and restraints, a resumption of an inconvertible currency. The party refused to accommodate itself to the questions of the day; it justified the proverb, "A leech will not leave the skin until it is sated with blood;" it failed to relinquish powers the exercise of which, though proper in war, were unconstitutional and dangerous in peace. It was essentially a war party, unused to the questions of ordinary administration. It would not accept the situation, and proved wholly unfit for a period of peace.

Men of opposite convictions, tariff and anti-tariff, hard money and paper money, filled its ranks—all for the sake of the Union. When that was saved, logically, it should have disbanded, as did our armies. Its purpose was accomplished, and as there was not an enemy to conquer it could no longer have a policy; it was without principles, and is to-day. Therefore, the public welfare demands its disintegration, and I believe the American people will contribute to a result which would long since have been reached but for what a distinguished statesman once so well expressed, "the cohesive power of public plunder." The spoils of office are its prop; without this it would expire within an hour. "*Obruat illud male partum, male retentum, male gestum, imperium.*"

CONCLUSION.

Sir, I have expounded the theory of our Government from a standpoint above and beyond the reach of party, and indicated the perils to which it is exposed.

If we correctly represent the masses, we will extricate the Republic from its toils; they, when once appealed to and instructed, will not be found wanting—their only fault is inattention. If they will cease to yield to the few the duty of managing the State, and deliberate on grave questions of policy, there will no longer be corruption and infamy for the Republic; they will break loose from the fatal lethargy which has betrayed them for the last ten years; they will put an end to the usurpations which, if unchecked, will ultimately destroy our Government.

There is a reserve force of virtue and morality in the country which will rescue it as it did when it was seething and tossing in the mael-

strom of murderous battle. Public opinion is our oracle—it commands us to hope. Let us dismiss all apprehensions.

Let us believe that this Republic will have a destiny no less exceptional than its history; that it will henceforth be guided by a sagacious statesmanship which shall comprehend the only just end of government, the spirit with which its functions should be exercised, and its just accountability to the people. To this end we must create a public judgment so resolute, so positive, that those who violate law and justice will experience in their own hearts a sense of their crimes; an exalted patriotism which will breathe this pure thought of Cicero, "*Omnes omnium caritates patria una complectitur.*"

The following is Exhibit I referred to in the foregoing speech:

Statement of Ex-Paymaster-General Watmough.

WASHINGTON, January 18, 1879.

First, in making this statement, I request it be borne in mind that all appropriations relating to the Navy Department are under control of the Secretary of the Navy. (See section 3676, Revised Statutes.) And, furthermore, that being a civil and subordinate officer of the Navy Department, the duty of advertising did not devolve upon me; such being exclusively the duty of my superior officer. (See sections 3718 and 3714 of Revised Statutes.)

Secondly, I call attention to the fact that I never assumed the office of acting chief of the bureau until July 25, 1873, as will appear by reference to the order of President Grant, a copy of which is hereto appended; that I supposed in the language of said order Paymaster-General Bradford's absence was simply temporary, and expecting him to return from time to time, I did not feel at liberty, without any direction from the Secretary, to reverse the system in vogue or the policy already inaugurated in my bureau, and permitted general business to be conducted by methods then in operation. I found that cases of non-advertising for contracts were so frequent under my predecessor, Paymaster-General Dunn, and my chief, Paymaster-General Bradford, (as shown in page 437, *et seq.*, of Naval Testimony, Forty-fifth Congress,) that no instructions being ever given me to the contrary by the honorable Secretary of the Navy, I continued a practice prevailing so generally throughout the Department that it had grown into the shape of custom. Moreover, there having been no articles procured by advertisement, open-order purchases from time to time were absolutely demanded by exigencies.

Such was my accidental position until the return of Paymaster-General Bradford, in December, 1876, when he resumed charge of bureau, and continued in charge until March 1, 1877, when, for the first time, I became actual head of the bureau, as will appear by order of Secretary Robeson of said date, also hereto appended.

No orders either being ever received by me to prohibit the system of barter and exchange, of which cases may be found under Paymaster-General Dunn in 1871, (see pages 437 and 468 of Naval Testimony, Forty-fifth Congress,) also under administration of Paymaster-General Bradford, I was induced to pursue the measure

from the belief that a vast amount of perishable property was thus saved from destruction; that better prices were thus secured to the Government, and the cost of advertising and commissions to auctioneers not incurred. No provision to pay for advertising having been made for a series of years, the lack of funds for that purpose embarrassed the bureau.

The clothing sold was condemned by a board of naval officers at New York, appointed by Paymaster-General Bradford and by naval inspectors at home and abroad, (see page 458, *et seq.*, of Naval Testimony;) and the word private, so much commented upon, was used only in contradistinction to advertised: the transaction in itself not being a private one, as the stores were delivered to the purchasers upon the official orders of the bureau to the commandants of the navy-yards, in which orders the articles were all designated without any reference to private advantage of contractors or to the prejudice of the Government.

No money being received for stores thus exchanged, there was none to cover into the Treasury; but there was at any time money enough to credit of provisions, belonging in the bureau from pay appropriation, for the Secretary to have covered into the Treasury the full amount of exchange made. (Vide records of bureau, also report of Committee on Expenditures of Navy Department, pages 8 and 21.) The proceeds arising from the sales of condemned clothing appropriately reverted to the clothing fund, and accordingly there remained, to be used for purposes contemplated by law. (See section 3692, Revised Statutes.)

Certainly no benefit ever accrued to me from such transactions, and in them, as in every other official action of mine, I sought only to serve what was, in my judgment, the best interests of the Government. (Vide Mr. Denson, chief clerk's evidence in regard to conduct of my affairs in bureau, page 464, volume 2, Miscellaneous Testimony, 1876; also letter from Secretary Thompson, appended hereto, see also Naval Testimony, 1879.)

The allegation to the effect that an enormous stock of clothing was left on hand by me falls powerless to the ground in face of the fact that the present Secretary of the Navy, shortly after I left the bureau, renewed a contract for thirty-five thousand dollars' worth of flannel with Mr. J. W. Bigelow and the Mission Mills which I had revoked, believing it not needed; and which revocation was entirely legal under circumstances. (Vide bureau orders.) Also, on this subject, I refer to letter written by me to Secretary Thompson, printed in testimony before Naval Committee, page 573, in year 1878.

Lastly, I invite attention to the statement of the honorable Committee on Expenditures in the Navy, that when I left the bureau "a greater sum was due from the pay appropriation than its indebtedness at that date;" and that "if a settlement were had and the full amount due to the bureau paid in, it would, after extinguishing all its obligations, be without any deficiency."

The foregoing, together with all official records bearing on the subject of my administration, and the testimony heretofore given by me, I respectfully submit to the honorable Committee on Naval Affairs, confident that a thorough examination of the same will satisfy each member that my official conduct is entitled to complete vindication.

JAS. H. WATMOUGH,
Ex-Paymaster-General United States Navy.

ILLUSTRATION OF CIVIL-SERVICE REFORM

EXHIBIT No. 2.—Showing how the participants in the electoral fraud have been rewarded.

CONNECTED WITH RETURNING BOARD.

Names.	Political employment in 1876.	Office held now.	Salary.
J. Madison Wells.....	President returning board.....	Surveyor port of New Orleans.....	\$4,500
Thomas C. Anderson.....	Member returning board.....	Deputy collector port of New Orleans.....	3,000
L. M. Kenner.....	Member returning board.....	Deputy naval officer.....	2,500
G. Casanave.....	Member returning board.....	Brother of United States storekeeper, New Orleans.....	1,400
Charles S. Abell.....	Secretary returning board.....	Inspector custom-house.....	2,500
York A. Woodward.....	Clerk returning board.....	Clerk custom-house.....	1,800
W. M. Green.....	Clerk returning board.....	Clerk custom-house.....	1,095
R. P. Blanchard.....	Clerk returning board.....	Clerk custom-house.....	1,400
G. P. Davis.....	Clerk returning board.....	Clerk custom-house.....	1,200
Charles Hill.....	Clerk returning board.....	Clerk custom-house.....	1,400
George Grindley.....	Clerk returning board.....	Clerk custom-house.....	1,600
John Ray.....	Counsel for returning board.....	Special agent Treasury Department and counsel for Mr. Sherman.....	2,500
S. S. Wells.....	Son of J. Madison Wells.....	Inspector custom-house.....	1,095
A. C. Wells.....	Son of J. Madison Wells.....	Special deputy surveyor, New Orleans.....	2,500
F. A. Woolley.....	Affidavit taker.....	United States commissioner.....	Fees.
R. M. J. Kenner.....	Brother of Returning-Board Kenner.....	Clerk naval office.....	600

STATE OFFICERS AND MANAGERS.

Michael Hahn.....	State registrar.....	Superintendent mint.....	4,000
A. J. Dumont.....	Chairman republican State committee.....	Inspector custom-house.....	.....
J. P. McArdle.....	Clerk republican State committee.....	Clerk custom-house.....	1,200
W. P. Kellogg.....	Governor.....	United States Senate.....	5,000
I. J. Souer.....	Kellogg's agent to buy members of Legislature.....	Appraiser custom-house.....	3,000
W. G. Lane.....	Kellogg's agent to buy members of Legislature.....	United States commissioner circuit court, Louisiana.....	Fees.
S. B. Packard.....	Candidate for governor.....	Consul to Liverpool.....	6,000
George L. Smith.....	Candidate for Congress.....	Collector New Orleans.....	7,000
James Lewis.....	Police commissioner, New Orleans.....	Naval officer.....	5,000
Jack Wharton.....	Adjutant-General of Louisiana.....	United States marshal.....	6,000
A. S. Badger.....	General of State militia.....	Postmaster New Orleans, \$3,500; now collector.....	7,000
H. S. Campbell.....	Chief of affidavit factory.....	United States attorney, Wyoming.....	5,000
H. Conquest Clark.....	Kellogg's secretary, (know of forgery of electoral certificates.).....	Private secretary to commissioner internal revenue.....	2,500
W. F. Loan.....	Chief of police and supervisor fifteenth ward, New Orleans.....	Inspector tobacco, internal-revenue.....	1,400
W. L. McMillan.....	Canvassed State for Hayes.....	Pension agent, New Orleans, now postmaster.....	4,000

ELECTORS.

W. P. Kellogg.....	Elector at Large.....	United States Senator.....	.....
J. Henri Burch.....	Elector at Large.....	State senator.....	600
Peter Joseph.....	Elector at Large.....	Clerk custom-house.....	1,200
L. A. Sheldon.....	Elector at Large.....	Counsel for John Sherman.....	1,200
Morris Marks.....	Elector at Large.....	Collector internal revenue.....	3,750
A. B. Levisce.....	Elector at Large.....	Special agent Treasury Department.....	2,500
O. H. Brewster.....	Elector at Large.....	Surveyor-general.....	1,800

ILLUSTRATION OF CIVIL-SERVICE REFORM—Continued.

EXHIBIT No. 2—Showing how the participants in the electoral fraud have been rewarded—Continued.

SUPERVISORS AND PERSONS CONNECTED WITH THE ELECTION.

Names.	Political employment in 1876.	Office held now.	Salary.
M. J. Grady	Supervisor at Ouachita	Deputy collector internal revenue	\$1,000
John H. Dinkgrave	Manager at Ouachita	Legislature	
H. C. C. Astwood	Manager at Ouachita, (knew Garfield)	Deputy United States marshal	Fees.
W. R. Hardy	District attorney at Ouachita	Inspector custom-house	1,095
Henry Smith	Sheriff of East Feliciana	Laborer custom-house	600
Samuel Chapman	Sheriff of East Feliciana	Laborer custom-house	600
James E. Anderson	Supervisor of East Feliciana	Declined consulship to Frenchal	
C. L. Ferguson	Supervisor of De Soto	Captain night watch custom-house	800
J. E. Scott	Supervisor of Claiborne	Money order, post-office, New Orleans	1,300
B. W. Woodruff	Supervisor of Rapides	Box-clerk post-office, New Orleans	900
L. F. Baugnon	Supervisor of East Baton Rouge	Laborer custom-house	600
W. H. McVey	Supervisor of Franklin	Inspector custom-house	1,095
L. Williams	Supervisor of sixteenth ward, New Orleans	Watchman custom-house	800
E. K. Russ	Supervisor of Natchitoches	Letter-carrier post-office	720
F. A. Deslonde	Supervisor of Iberville	Night watchman custom-house	800
W. H. Heistand	Supervisor of Tangipahoa	Clerk custom-house	1,200
F. A. Clover	Supervisor of East Baton Rouge	Assistant weigher custom-house	1,200
L. C. Lasage	Clerk to supervisor of East Baton Rouge	Inspector custom-house	1,000
William McKenna	Supervisor of Caldo	Postmaster Shreveport	3,100
A. D. Cornog	Supervisor of Red River	Inspector custom-house	1,095
M. A. Lenet	Supervisor of La Fourche	Laborer custom-house	500
Victor Gerodias	Republican manager of Saint Tammany	Tax collector New Orleans	Fees.
A. J. Brim	Republican manager second ward, New Orleans	Inspector custom-house	1,000
Patrick Creagh	Republican manager of third ward, New Orleans	Chief laborer	1,000
R. C. Howard	Republican manager of fourth ward, New Orleans	Laborer custom-house	600
J. C. Pouchler	Republican manager of fifth ward, New Orleans	Laborer custom-house	600
W. J. Moore	Republican manager of seventh ward, New Orleans	Gauger internal revenue	Fees.
Thomas Leon	Republican manager of eighth ward, New Orleans	Gauger custom-house	Fees.
T. H. Rowan	Republican manager of tenth ward, New Orleans	Night inspector custom-house	900
A. W. Kempton	Commissioner of eleventh ward, New Orleans	Assistant weigher custom-house	1,200
L. Backus	Manager of eleventh ward, New Orleans	Police	300
Napoleon Underwood	Supervisor of twelfth ward, New Orleans	Inspector internal revenue	1,200
P. J. Maloney	Supervisor of fourteenth ward, New Orleans	Inspector custom-house	1,095
L. E. Salles	Republican manager of La Fayette	Weigher custom-house	2,000
R. A. Herbert	Republican manager of Iberville	Superintendent warehouses, custom-house	2,500
W. B. Dickey	Republican manager and tax-collector, Madison	Inspector custom-house	1,095
Thomas Jenks	Husband of Mrs. Jenks, who swore for John Sherman	Clerk Mint	1,000

VISITING STATESMEN.

John Sherman	Visiting statesman, Louisiana	Secretary of the Treasury	8,000
John M. Harlan	Visiting statesman, Louisiana	Justice Supreme Court	10,000
Stanley Matthews	Visiting statesman, Louisiana	Senator from Ohio	5,000
E. W. Stoughton	Visiting statesman, Louisiana	Minister to Russia	17,500
John A. Kasson	Visiting statesman, Louisiana	Minister to Austria	12,000
J. R. Hawley	Visiting statesman, Louisiana	Commissioner to Paris exposition	2,000
John Coburn	Visiting statesman, Louisiana	Commissioner Hot Springs	5,000
E. F. Noves	Visiting statesman, Florida	Minister to France	17,500
Lew Wallace	Visiting statesman, Florida	Governor of New Mexico	2,600
John Little	Visiting statesman, Florida	Attorney-General Ohio	
William M. Evarts		Secretary of State	8,000
Samuel Shellabarger		Messrs. Hayes and Sherman's private counsel	

FLORIDA.

M. L. Stearns	Governor	Commissioner Hot Springs	5,000
F. C. Humphries	Elector	Collector Pensacola	2,000
S. B. McLin	Member of returning board	Assistant justice, New Mexico, (not confirmed)	3,600
Moses J. Taylor	Clerk circuit court, Jefferson County	Clerk United States land office	1,200
Joseph Bowes	Inspector, Leon County	Clerk Treasury Department	720
W. K. Cessna	Judge, Alachua County	Postmaster	2,500
R. H. Black	Inspector of elections, Alachua County	Philadelphia custom-house	900
George H. De Leon	Secretary to Governor Stearns	Clerk in Treasury Department	1,200
John Varnum	Adjutant-general	Receiver Land Office	\$ 500 & fs.
Charles H. Pearce	Elector		
James Bell	Changed tickets, Jefferson County	Timber agent	1,200
Manuel Govan	Republican manager of Monroe	Consul to Spezzia	2,500
— Phelps	Political manager	Secretary to McCormick at Paris exposition	2,500
E. W. Maxwell	Detective in employ of republican visiting statesmen	Lieutenant in regular Army	1,400
P. G. Mills	Telegrapher who gave news about democratic dispatches	Treasury Department	1,200
W. J. Purman	Republican member of Congress	Sister in Treasury, Dismissed when he said he considered Tilden elected	
Dennis Eagan	Chairman republican State committee	Timber agent	1,200
L. G. Dennis	Republican manager of Alachua	Treasury Department, removed and published affidavit	
J. W. Hewell	Manager false return from Baker	Collector Fernandina	1,500

The following officers of the Government were in Florida during the presidential canvass, drawing their regular salaries, looking after the canvass:

Thomas J. Brady	Second Assistant Postmaster-General	3,500
— Peyton	Assistant in Attorney-General's office	1,500
H. Clay Hopkins	Special agent Post-Office Department	1,200
William T. Henderson	Special agent Post-Office Department	1,600
Z. L. Tidball	Special agent Post-Office Department	1,600
B. H. Camp	Special agent Post-Office Department	1,600

The sum total per annum which these men who counted Hayes in receive is \$256,115, which will amount in the four years that Hayes must remain *de facto* President to \$1,024,460.

EXHIBIT NO. 3.

Table showing reduction of expenditures under democratic Congress.

Year.	Civil and Miscellaneous.	War.	Navy.	Indians.	Total excluding interest.
1874.	\$85,144,593 61	\$42,313,927 22	\$30,982,587 42	\$6,692,462 09	\$164,138,985 00
1875.	71,070,702 98	41,120,645 98	21,497,626 27	8,344,656 82	142,033,631 05
1876.	73,599,661 04	38,070,888 64	18,963,309 82	5,966,558 17	135,598,417 67
1877.	56,272,066 60	37,082,735 90	14,959,935 36	5,277,007 22	113,591,744 08
1878.	53,177,703 57	32,154,147 85	17,365,301 37	4,629,280 28	107,326,432 07

It will be seen by the above that expenditures have been reduced in every branch of service, effecting an annual saving, without reference to interest, of \$59,655,532.85, since 1874 of \$37,065,396.12; since 1875 of \$30,394,361.21; since 1876 of \$7,072,045.40; since 1877, and for the present fiscal year, 1879, there will be yet a reduction.

Had the republican Senate co-operated with the democratic House, the reduction would have been at least \$10,000,000 per annum more. The House bills every year have added to them millions by senatorial amendment. Last year were it not for the fishery award, paid by the United States pursuant to treaty, the expenditures would have been \$5,500,000 less.

Sundry Civil Appropriation Bill.

SPEECH OF HON. B. S. FULLER,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 24, 1879.

On the bill (H. R. No. 6471) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

Mr. FULLER. Mr. Speaker, I desire to call the attention of Congress to the condition of the Hot Springs of Arkansas, a valuable property belonging to the United States and over which we exercise control. To make myself clearly understood as to the present condition of the springs and the situation of the people there I must go back and briefly review the legislation on the subject.

In 1832, April 20, Congress reserved from sale or entry four sections (2,560 acres) of land in Arkansas, the Hot Springs being near the center of the tract. Notwithstanding this, three men, H. M. Rector, William H. Gaines, and John C. Hale, made claims, adversely to each other, of the springs and the adjacent land. These men contended with each other in the State courts for the possession of the place and in the Federal courts for the title to the land. Finally, by judgments, compromises, &c., each of them was placed in possession of a portion of the land adjoining the springs, while the question of title was still undetermined. The ground claimed and held by these parties was all that was considered of value, because it embraced the springs, and all the territory adjacent to the springs on which buildings could be erected. Thousands of people were attracted to the Hot Springs by the fame of the waters as a curative agency. This necessitated the erection of hotels, bath-houses, stores, and other buildings to accommodate the guests and provide for their wants. As Rector, Gaines, and Hale held all the land on which any of such buildings could be erected, any one desiring to build, had to lease from the one or the other of these parties, or to take forcible possession of the desired location and hold it adversely to "the claimant" by the power of the shot-gun or revolver. Most of "the settlers," however, preferred "to lease," and the result was that each of "the claimants" was in possession of a large annual revenue derived from these leases. In this way several hundred "settlers" were located upon "the Hot Springs reservation."

The title to the property had never been adjudicated, and the late war placed the claimants "out of court;" accordingly an act of Congress was passed June 11, 1870, allowing all claimants to any portion of the reservation to file their petitions in the Court of Claims, and directing the proper officers of the Government to assert the claim of the United States. Proceedings were commenced, Rector, Gaines, Hale, and the United States being the parties thereto. In 1874 the Court of Claims decided that the United States had never parted with the title to any portion of "the reservation." Rector, Gaines, and Hale appealed to the Supreme Court, and on April 24, 1876, (3 Otto,) the Supreme Court affirmed the decision of the court below. Thus all the occupants of the reservation at that time were declared by the highest judicial tribunal of the land to be trespassers.

Immediately upon the rendition of the decree of the Supreme Court the chief-justice of the Court of Claims, in compliance with the provisions of section 5 of the act of June 11, 1870, appointed a receiver, and directed him to take possession of the entire reservation and to lease any portion of it that might be applied for. The receiver, O. A. Morgan, at once took possession of the property and commenced collecting the ground rents that had formerly been paid to Rector, Gaines, and Hale, executing leases from the United States to all who applied.

The great difficulty that had previously retarded the growth and development of the Hot Springs was now removed. The title to the

property was settled. No one had been willing to expend money in substantial buildings on land that had to be held by the revolver or under a lease that might be terminated at any time by the decision of a court that would end the lease and oust the lessee. This had kept hundreds of people, who knew the value of the waters and the opportunities for making money offered by the various avocations of a well-patronized watering-place, from settling at Hot Springs. Besides which, a railroad had been constructed to "the springs." The consequence was that hundreds of applications were made to the receiver for leases of plats of ground not previously occupied. Leases for one year, with the privilege of renewal, were granted, and the lessees at once commenced to erect buildings of more or less value, ranging in cost from five hundred to ten thousand dollars. The parties to whom these leases were granted were not trespassers; they were tenants of the United States who had come forward in good faith and accepted the offer of the Government to lease them its land, of course with the expectation that the leases would be annually renewed, as none of them would have erected improvements for the use of the land one year, and in accordance with the renewal clause contained in each lease.

In the last session of the Forty-fourth Congress a bill (Public No. 52) disposing of "the Hot Springs reservation in the State of Arkansas" was introduced, and became a law on the 3d of March, 1877. The first section of that law repealed the act under which the receiver was appointed. The second provided for the appointment of three commissioners to take charge of the property. The third directed them to make a survey, showing every claim upon the "reservation." The fourth required, before this was done, that a new reservation should be set apart, "which shall include all the hot or warm springs situate on the lands aforesaid, to embrace, as near as may be, what is known as Hot Springs Mountain, and the same is hereby reserved from sale, and shall remain under the charge of a superintendent, to be appointed by the Secretary of the Interior."

Section 5 I give in full; it reads as follows:

That it shall be the duty of said commissioners to show by metes and bounds on the map herein provided for, the tracts or parcels of lands claimed by reason of improvements made thereon or occupied by each and every such claimant and occupant on said reservation; to hear any and all proof offered by any such claimants and occupants and the United States in respect to said lands and in respect to the improvements thereon; and to finally determine the right of each claimant or occupant to purchase the same, or any portion thereof, at the appraised value, which shall be fixed by the commissioners: *Provided, however,* That such claimants and occupants shall file their claims, under the provisions of this act, before said commissioners within six calendar months after the first sitting of the said board of commissioners, or their claims shall be forever barred; and no claim shall be considered which has accrued since the 24th day of April, 1876.

Now, Mr. Speaker, I wish to call your attention and that of this House to the last clause of this section: "And no claim shall be considered which has accrued since the 24th day of April, 1876." What, sir, is the meaning and effect of that clause? I will endeavor to show, before I have finished my remarks, for whose benefit it was inserted and what possibly influenced its insertion into this law. There were two classes of settlers on the Hot Springs reservation. One class, those who were there previous to the final decision of the Supreme Court adjudicating the property to the United States, were by that decision declared to be trespassers; there in defiance of law and right; there in their own wrong. The other class was composed of those who, after the decision of the court and the appointment of the receiver, came forward and became the tenants of the United States; who said to the Government, through its duly authorized agent, "You own this property; I want to erect buildings on it to carry on my business; rent it to me;" and who, having rented it, did erect their buildings and transact their business on the property. These men were there by virtue of law. They were in their own right and by the express permission and request of the United States.

Would it not seem, Mr. Speaker, that in legislating for the disposal of this property the tenants would have received the most favor; that the men who had at the instance of the Government come to this place, paid the rent required of them, and invested their money in business, would be given some advantages over those who had been for years trespassing upon Government property, and some of whom had derived large revenues and acquired fortunes through their trespassing. And yet, sir, what do we see? That "the tenants" are forbidden the privilege of buying the lands upon which their improvements are made, and that right is given to the trespassers. Before I conclude I shall endeavor to show why this was done; now I only desire to call attention to the facts as they exist and pass on to an examination of the law.

Section 6 gives the power to administer oaths, take testimony, &c. Section 7 gives authority to remove all buildings from the new reservation and from streets, alleys, &c. Section 8 provides for the straightening of streets and alleys, making new ones, and gives the power to condemn any claims for that purpose. Section 9 provides for a map, to be filed with the Secretary of the Interior, showing the new "Hot Springs Mountain reservation," with all the claims, and a schedule showing the name of each claimant, the appraised value of the claim, and directs the commissioner to issue to each claimant in whose favor a judgment is rendered a certificate setting the value fixed on the land and also the value of the improvements. Sections 10 and 11 provide the means by which the claimants can purchase, at the appraised value, any lots adjudged to them. Section 12 provides

that all tracts not paid for by the claimant to whom it is adjudged shall be sold at public auction. Sections 13, 14, and 15 settle details of proceedings. Section 16 limits the commissioners to one year in which to transact their work. As I said before, this law went into effect on the 3d of March, 1877. The commissioners were in due time appointed and, strange as it may appear, the only interests at stake being those between the United States and citizens of the State of Arkansas, no one of the commissioners was a resident of that State, one being from New Hampshire, one from Florida, and one from Indiana, while the superintendent provided for in the law was sent from West Virginia. The commissioners met on the 1st of April, 1877, and this made their term of office expire on the 1st of April, 1878.

It is impossible, Mr. Speaker, to tell how much these commissioners have done toward discharging the duties assigned to them, but it is easy to show how little they have done. They have laid out the "Hot Springs Mountain reservation" and filed a map of it in the office of the Secretary of the Interior. Nine hundred and fifty-three claims were filed with them within the six months prescribed by law, but none of them have been decided. This was the sole result of a year's work. No, I forget, the appropriation of \$30,000 to pay expenses was nearly exhausted. Now, sir, I do not stand here to criticize or guess at men's motives, but in the language of a young friend of mine, "I know a snake when I see its tail," and in the light of subsequent events it does seem to me that the do-nothing policy of the Hot Springs commissioners was the result of a desire somewhere to secure further legislation.

There are several notable defects in the law of March 3, 1877, besides the one I have pointed out. One of them is, that while all the ground on which the Hot Springs are situated is reserved from sale, there is no provision by which any one having a bath-house, hotel, or other building off the reservation, to which he desired to carry water, can enter the reservation for that purpose. Another is that the water of the Hot Springs, that inestimable blessing, given by God for the benefit of the afflicted, was not declared free as it should have been. It was possibly to give the opportunity to Congress to remedy these defects that the commissioners delayed their labors. At any rate they were delayed to such an extent that it became apparent the time of their appointment must be extended. To effect this a bill (S. No. 490) was introduced into the Senate of the United States, and referred to the Committee on Public Lands, extending the time of the commissioners until the 1st day of January, 1879. This bill was reported back to the Senate on the 13th day of March, where among other amendments the following was adopted and made section 3 of the bill:

That the superintendent of the Hot Springs reservation is hereby authorized to lease sites upon the Hot Springs Mountain reservation, with the necessary incidental privileges for furnishing baths and waters to visitors and residents, and that the Hot Springs Mountain Water-working Company, a company duly incorporated under the laws of the State of Arkansas, shall have the right to construct a reservoir upon some suitable point of the Hot Springs Mountain for the purpose of supplying the citizens and visitors with cold water; and said company shall also have the right to lay suitable pipes to and from said reservoir and along the streets and alleys of the Hot Springs reservation, under such restrictions and regulations as may be prescribed by the Secretary of the Interior.

Now, sir, this would seem to be a very harmless affair, giving this company the right to erect water-works on the new reservation; but you will observe that the right to lay pipes through the reservation to the reservoir and along the streets and alleys of the town of Hot Springs is also given. Remember, sir, that no one else has the right to lay pipes but this company. But, sir, if we had the wonderful carpet of the magician, by which he could transport himself instantaneously to any distance, and if, after having seen this section become a law in the Senate, seating ourselves upon the carpet, we had been transported to Little Rock, Arkansas, and could then, like Asmodeus, have lifted the roof from a certain building, we would have seen three United States officials, namely, the postmaster, the collector of internal revenue, and the superintendent of the public building being erected there, seated together, and before them a written paper. A knock is heard at the door, the telegraph messenger enters, delivers his sealed paper, and retires. The officials open it; hovering above them we read: "The bill has passed; file your charter." Unfortunately our eyes grow dim and we cannot read the signature to that message. At once the three officers proceed to the office of the secretary of state, and the charter of "The Hot Springs Mountain Water-working Company" is filed. The law is passed in Washington authorizing it to furnish the people of Hot Springs with cold water and the charter is simultaneously filed at Little Rock, the third section of which reads:

Third. The object of the organization of said company is for the purpose of furnishing a supply of cold or hot water, or both, to the citizens of the city of Hot Springs, in the county of Garland, and the State of Arkansas, whether for private residences, hotels, or bath-houses, and to any person, firm, or corporation desiring water furnished for any purpose whatever; also to build, purchase, or lease bath-houses or other buildings, and purchase, own, and lease real estate.

Some one has written of "two souls with but a single thought, two hearts that beat as one;" but it seems that these lines did not apply to the parties who passed and who were to benefit by this bill. One side thought cold water was enough to grant; the other wanted both hot and cold. But, sir, a thought obtrudes itself upon me just here, which, like Banquo's ghost, "will not down." Perhaps there was no disagreement. Perhaps these words may be made to mean the same thing. Let us see if they could. Under the law the United States

was disposing of all its interest in the old Hot Springs reservation except the new Hot Springs Mountain reservation. The portion sold would be under the jurisdiction of the State of Arkansas, which had granted the exclusive right to the Hot Springs Mountain Water-working Company to convey hot and cold water, and its pipes were laid down by authority of the United States before the property was alienated, and therefore it was an exclusive privilege and could not be interfered with by the State granting to others a similar privilege. Neither could Congress, after having disposed of the property, grant such privileges to others. "The two souls" had "but a single thought," and that was to secure a monopoly of the hot water.

This bill came to the House and was referred to the Committee on Public Lands. A very brief examination into the facts induced that committee to refuse to report the bill, and the Senate by resolution withdrew it. The consequence was that the commission on the 1st of April, 1878, lapsed and all that portion of the law with which it had not been carried into effect. So much attention had been drawn to the subject that the House Committee on Public Lands determined to investigate the whole matter closely before offering any legislation. It did so; the commissioners, all of whom came to Washington soon after their term of office expired, their clerk, engineer, and a number of other persons were examined, and the result was the preparation of a bill very similar in its provisions to House bill No. 5533, now before the House. It re-enacted the law of March 3, 1877, and in the unanimous judgment of the committee cured the defects and did away with the injustice of the previous law. The Senate having recalled its bill of which I have spoken, passed another simply re-enacting the law of March 3, 1877, and giving the commissioners one year in which to complete their work. This lay upon the Speaker's table. It was quite late in the second session of the Forty-fifth Congress before the law agreed upon by the Committee on Public Lands was reported to the House, and there was but little prospect of either the House or Senate bill becoming a law, or any one being permitted to monopolize the waters of Hot Springs.

But, Mr. Speaker, so tempting a bait sharpened the ingenuity of those who were longing after it. The Government officials who had seduced an innocent man into their toils and induced him to labor earnestly for their scheme were not the only ones who hungered and thirsted after a monopoly of the waters of Hot Springs. Just before the time fixed for the adjournment of Congress, several citizens of Hot Springs arrived in Washington. The result of their visit and the nature of their errand became apparent when the sundry civil appropriation bill was reported to the Senate. It came from that body to the House with the following amendment attached to it:

That the sum of \$27,500, or so much thereof as may be necessary, is hereby appropriated to pay for clerk hire, engineering, marshal's fees, salaries, and other expenses of the Hot Springs commission; and the President of the United States be, and he is hereby, authorized to appoint with the advice and consent of the Senate, three discreet, competent, and disinterested persons, who shall constitute a board of commissioners, any two of whom shall constitute a quorum, who shall hold their offices for the period of one year from the date of their appointment, and shall have the same powers and authority in all respects as was provided for the commissioners appointed under the act of Congress approved March 3, 1877, entitled "An act in relation to the Hot Springs reservation in the State of Arkansas," which act is hereby revived and continued in full force for the purpose of enabling said board of commissioners to take possession of all records, papers, and proofs, and to determine the claims presented to the board of commissioners appointed under said act, whose term of office has expired, and to do and perform all other acts and duties authorized by said act. And the Secretary of the Interior is hereby directed to lease to the present proprietors of the Arlington Hotel or their assigns the grounds, not exceeding one acre, now occupied by them, for a period of ten years, unless otherwise provided by law, at an annual rental of \$1,000. And he is further directed to lease the bath-houses of a permanent nature now upon the Hot Springs reservation to the owners of the same, and lease to any person or persons, upon such terms as may be agreed on, sites for the building of other bath-houses for the term of five years, unless otherwise provided by law, under such rules and regulations as he may prescribe; and the tax imposed shall not exceed \$15 per tub per annum, including land rent: *Provided*, That said leases shall in no way prejudice any legal right that any person or persons may have acquired under the act hereby revived and continued, to any improvements on said ground.

In cases where fractions of lots are made by straightening, widening, or laying out streets, the commissioner shall have power to determine the disposal of the same, giving the preference to the owners of abutting lots: *Provided*, That all titles given or to be given by the United States shall explicitly exclude the right to the purchaser of the land, his heirs or assigns, from ever boring thereon for hot water; and the Hot Springs, with the reservation and mountain are hereby dedicated to the United States, and shall remain forever free from sale or alienation.

In the conference committee the following was added:

And provided further, That to prevent monopoly no bath-house or hotel shall be supplied with more than enough water for forty bath-tubs of the usual size, unless there shall be more than enough hot water to supply all other demands for the same, in which case no single establishment shall be allowed more than forty bath-tubs of the usual size: *And provided further*, That the superintendent shall provide and maintain a sufficient number of free baths for the use of the indigent, and the expenses thereof shall be defrayed out of the rentals hereinbefore provided for.

By accident or design, in the enrollment of the sundry civil bill this clause was omitted and failed to become a law. How it was omitted it is not pertinent to my object to inquire, but I must be permitted to say in this connection that while it was a great outrage that any law of Congress could be defeated in the way this was, it would have been a blessing if this error in the enrollment of the sundry civil bill had never been corrected. It was, however, and on the 16th of December, 1878, the section above quoted became a law. It is proper and within the scope of my remarks to inquire into the effects of this law, and I assert that a monopoly of the water of the springs is created by that act—a monopoly even more grinding than

would have been that giving the hot water to the Hot Springs Mountain Water-working Company. The members of the House who added the amendments last quoted intended by it to prevent a monopoly, but they only added another stone to the pavement of that place which is said to be paved with good intentions. A very short period of time will prove this to be true, unless this Congress before its adjournment takes action.

I have now, Mr. Speaker, brought the legislation in regard to Hot Springs down to the present time. And what do we find? First, that the tenants invited to rent land from the United States and induced to improve the same have been denied the privilege of purchasing the property they have improved at its appraised value, and that the right to purchase has been given to other men, to the trespassers who had for a series of years been "waxing fat" upon rents collected on public lands. I have alluded to this point before, and now propose to say more upon it. While we have next to no reports from the commissioners or the Secretary of the Interior as to what has been done, we know that nine hundred and fifty-three claims have been filed, and we know something of the claimants. I want you to remember that Rector, Gaines, and Hale were the original claimants of the springs, and that each of them had acquired wealth by acting as landlords for United States property. Out of the claims filed about one hundred and thirty are by Rector, two hundred by Gaines, and one hundred and fifty by Hale, a total of four hundred and eighty, or more than one-half of all the claims in favor of three men. Had the Supreme Court decided to divide the property between these three men, instead of deciding that neither of them had any title to it, they could not have fared better. One-half the entire town is given them.

Mr. Speaker, does not this fact show why the restrictive clause was placed in section 5 of the act of March 3, 1877? The honest settlers are denied the right to purchase the land they have improved and these cormorants are allowed "to gobble it up." We know something of how "rings" can be formed, and investigations have shown how legislation is sometimes influenced. Does not this fact, shown by the records of the commissioners, indicate a ring to secure the land at Hot Springs as clearly as I have shown one or more who were after the water? Does not the fact that three men were the expected owners of more than one-half of the town show why such opposition has been made to the legislation asked for by the people of Hot Springs? Can we not see "as through a glass darkly" the motives which induced the Hot Springs commissioners, their clerk and engineer, and the attorneys of Rector, Gaines, and Hale, to infest the corridors of the Capitol last year, and, clinging closer than the lice of Egypt to the members of this body, defeat every attempt at legislation that would interfere with this gigantic steal?

But, sir, this is not the only steal that the bill before you proposes to defeat. I have shown you how the three Federal officials attempted to secure the hot water of the springs. As compared with the value of the land which the land ring are "grabbing" for, the waters of the Hot Springs would be as the Alps to a mole-hill. There are but few who understand the interests at stake. The hot springs, seventy-one in number, issue from the side or at the foot of the Hot Springs Mountain. The daily flow of the water is five hundred thousand gallons. There is little doubt that they all have a common origin, and that twice as much water escapes through the porous tufa and gravel of which the hill-side is composed as is emitted from the springs. The experience of fifty years has proven the wonderful curative powers of these waters, and the day is not far distant when every gallon of the water will be needed for the use of those who seek this modern Bethesda in search of health. As far back as 1832 the Congress recognized the fact that those waters should remain free to all the people, and until this Congress they have so remained, notwithstanding the many attempts made by different parties to secure them, the last one being that of the Hot Springs Mountain Water-working Company.

Sir, when the fact was known that a law had passed the Senate conferring a franchise on that company which gave it control of the hot water remonstrances came from every source. The Chambers of Commerce of Saint Louis and of Little Rock protested. The governor of Arkansas, the people of Hot Springs in a body, and hundreds of others protested against this iniquity. Yet, sir, the law passed on the 16th of December, 1878, confers precisely similar privileges, the only difference being that different parties are the beneficiaries. I will endeavor to make this plain. Under that law the owners of bath-houses on the new reservation and others are allowed to lease sites and erect bath-houses. The big iron bath-house is one of those on the reservation. Its site covers the big iron spring, which furnishes nearly one-third of the entire volume of water. That bath-house obtains the water it uses from other springs and prevents any one else from using the water of the big iron spring, thus monopolizing one-third of the water. It may be interesting here to state how the owners of the big iron bath-house obtained possession of the site on which their house is built. Mr. Morgan, the United States receiver, leased the ground and the spring to three of his employés. Is there anything suggestive in this fact? Other sites have been and will be leased as this has been, and the bath-house owners on the reservation will have a monopoly of the water. There is no law by which the waters can be taken off the reservation; and if there was, no one could get it if the springs were leased; and if they could, no one would

want or use the water that had become fetid with the drainings of the cess-pools of the Arlington Hotel and the bath-houses on the reservation.

The Hot Springs mountain-side is composed of porous tufa and gravel, through which water percolates readily. Several bath-houses, with their waste-water and sinks, and the Arlington Hotel are on the reservation over and above many of the springs. It is as certain that they contaminate the waters of the springs as that they exist where they do. The superintendent of the springs, at the request of some of the leading physicians and citizens, stopped the use of the "Rat-Hole," a natural pool of water on the mountain side above the springs, in which a few pauper invalids bathed, because bathing in that rendered the waters of the other springs impure. The papers asking that this be done and giving these reasons are on file in the office of the Secretary of the Interior, and were deemed by him sufficient. But some one will say that no monopoly can exist, because no bath-house can have water enough for more than forty tubs until all others are supplied. I state what I believe to be a fact when I say "that no one now can get water for a bath-house at Hot Springs, because applications enough are on file to take all the water." Well, some one will say, then, there is no monopoly. Why not? Cannot one man own all the bath-houses?

Mr. Speaker, the legislation that granted this monopoly—that allowed the Arlington Hotel to stand over three of the hot springs and to contaminate the waters of twenty more—that gave special privileges to a few men, was smuggled through Congress like a thief in the night. It never could have passed this body legitimately. Its advocates could not defend it upon the floor of this Chamber, and it should be repealed before this Congress adjourns. We should remedy the wrong we have done. A wrong inflicted, not on one community or section, not upon the hale who can defend themselves, but upon the sick and afflicted all over the land. Every member on this floor is interested in this question, for some of his constituents are suffering of diseases which these waters alone can cure. Let us then, Mr. Speaker, disappoint these water as well as these land vultures, and snatch the tempting morsels from their mouths just as they are preparing to swallow them.

There is still another wrong that should be remedied. Outside of "the three claimants," who propose to take half the property in the town of Hot Springs, there are very few of the settlers who can comply with the requirements of section 12 of the law of March 3, 1877. That requires the appraised value of the claim to be paid within one year after the delivery of the certificate. Since the passage of the law a fire destroyed most of the property in the town and forced the claimants to rebuild, taking in many instances more money than they possessed, and leaving them in debt. The yellow fever last year prevented the usual influx of visitors, and the result is that the people of the valley are very poor. The law provides that any claims not paid for at the end of a year shall be sold at public auction. I feel that I am safe in saying not one-half of the claimants, outside of the three named before, can pay for their claims, and the result will be a sale at which the land ring will purchase another fourth of the property, and thus become the owners of three-fourths of the entire valley. And, Mr. Speaker, it may not be amiss for me to say that in the organization of this water ring and this land ring my investigations into the subject have enabled me to trace the same delicate manipulations, the same masterly management that twice in the course of three months passed through the Senate of the United States, and finally through the House, the laws which give vitality to both these rings. I can go even further back and find the imprints of the same hand in the law of March 3, 1877, which gave to these rings their first existence. By providing for leases, as is done in the bill now before the House, the settlers are given time in which to pay for the property adjudged to them.

Yet another wrong exists. Rector, Gaines, and Hale, as I have before stated, held possession of and leased the most desirable sites for building on the old reservation. They charged enormous prices. When the United States receiver, Mr. Morgan, took possession of the property he required these lessees to pay him the sums previously paid to Rector, Gaines, or Hale. The sums he collected, like the place where Moses was buried, "no man to this day knoweth." We can easily know how much he paid over or accounted for to the Government, but whether these two sums would correspond is something which, in the language of Dundreary, "no feller can find out." At any rate, it would be both just and magnanimous upon the part of this great Government to return the money taken from these settlers and in this way the problem would be solved whether the collections and payments were of the same amount, and this, if we are to judge of what we do not know by what we do know, would be interesting. I see by the report of the superintendent, the gentleman from West Virginia sent down to care for the new reservation, that he expended of the money collected \$75 for work on the reservation and over \$2,500 for his salary. (See Ex. Doc. No. 18, Forty-fifth Cong., third session.)

Mr. Speaker, I have gone carefully over and stated fairly the law as it exists, and have shown the changes that should be made. In doing this "I have nothing extenuated, nor set down aught in malice," but have been actuated by a desire to see justice done to all. We sit here to legislate for all the people of this country, and we cannot, in justice to ourselves or to those whom we represent, permit injustice

to be done, or when we see it is done refuse to correct it. This question of the disposal of the Hot Springs of Arkansas is not a local question, though there are local interests to be considered. The whole people are interested, and their rights and interests must be first considered. They demand that the health-giving waters of these springs should be made free to all, free as the air of heaven, and that no one should be permitted to monopolize or contaminate them. To secure this the leasing clauses in the act of December 16, 1878, should be repealed. Not a piece of timber the size of a tooth-pick which is not the property of the United States should be permitted to remain on the reservation. Nothing should be allowed there that will contaminate the waters of the springs, or prevent, whenever the necessities of the visitors demand it, the utilization of the waters that now percolate through the tufa and gravel of the mountain-side and lose themselves in the Hot Springs Creek or sink into the earth. That much the whole people demand.

In disposing of the local interests involved we should deal out even-handed justice to all—give every settler on the old reservation an even show. The law does not do so now, as I have shown.

Supervisors of Elections.

SPEECH OF HON. A. EICKHOFF,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 25, 1879,

On the Southard amendment to the legislative bill to repeal the law for supervisors and deputy marshals of elections.

Mr. EICKHOFF. Mr. Chairman, the so-called Federal election laws should have been repealed long ago. They were enacted in 1870, 1871, and 1872 by an extremely partisan Congress. Their object evidently was the perpetuation of the republican party, to accomplish which they virtually abolished the elective franchise except as to those who were prepared to vote the republican ticket. In speaking of the abuses incident to these laws I propose to confine my remarks to the effect of them in the city of New York.

A man by the name of John I. Davenport, who had been instrumental in securing their enactment, was appointed chief supervisor of elections for New York City. He began making preparations for the election of 1872 during the previous year. The then President of the United States requested the Attorney-General to pay Davenport \$34,000 in order to aid him in getting up certain books useful in the fabrication, or, as the President said, "the detection of frauds in the elections" in that city. In the winter of 1871-72, between \$8,000 and \$10,000 were placed to his credit by the committee of seventy, while at the election in November of that year, at which he made his first appearance before the public in the capacity of manager of the republican machine, he received nearly \$19,000 additional from the Government. But I will not stop to enumerate all the sums of money which this man has drawn from the Federal Treasury. Those desirous of information upon this subject will find an itemized account in a report made to the Forty-fourth Congress by the House Committee on Expenditures in the Department of Justice. That committee, having investigated the conduct of Davenport and his manner of depleting the Government for personal and partisan purposes, recommends:

In view of the many extraordinary abuses to which the election laws are prostituted and the opportunities for corruption and oppression which they afford under the management of bad men, and of their doubtful constitutionality, the abolition of supervisors of elections and the entire repeal of said laws.

I well remember the excitement and indignation among the people of New York, when during the election of 1872 Davenport for the first time, appeared upon the scene arresting citizens right and left for no other reason than that they were supposed to be democrats who would not patiently submit to the insolence of his underlings. On the eve of the election in November, 1872, he issued a large number of warrants and caused numbers of our citizens to be arrested. All of these, except some eight or ten, were afterward discharged—only four were indicted and not a single one was ever convicted! According to Davenport's account, rendered to the First Comptroller of the Treasury, the number of arrests made that year amounted to thirteen hundred and sixty. The mode of procedure was about the following: after the citizens had registered their names on the registration-books, letters were sent them through the mails; whenever the letter-carrier failed to find the person to whom these letters were addressed, he made an affidavit to that fact and a warrant was thereupon issued against the citizen "for false registration."

Thus a citizen in my congressional district, by the name of Heinrich, who had resided in one and the same house continuously for twenty-five years, and that house his own, was arrested, because, after answering all sorts of annoying questions put to him in his own room by one of the supervisors as to his age, citizenship, &c., he refused to give information in regard to the political disabilities and party affiliations of his neighbors. He was dragged to the repub-

lican headquarters, and thence to the Fifth Avenue Hotel, where Davenport transacted his political business that year. This occurred on Saturday afternoon, and, although the accused had freeholders and citizens with him who offered to give any amount of bail for his appearance, he was sent to the county jail until the following Monday. This one arrest and incarceration alone sufficed to deter thousands of others from offering to vote at all for fear of arrest. Frequent arrests, under similar circumstances, were made that year, and a great many naturalized citizens became so disgusted with the abuse of power under these laws that they have abstained from voting ever since.

But the chief supervisor was not satisfied with the laws as they then stood. He thirsted for broader powers. The right of ordering the arrest of people and of dragging them from their homes on the charge of obstructing the election laws, because they had refused to betray the political faith of their neighbors, did not at all suffice him. So he urged his party friends in Congress to supplement the laws, so as to enable him to perfect his election and intimidation machinery. And when those party friends could not arrive at an understanding about it, he "straightened it out" by telegraph, as he says in his testimony before a committee of the House. What he "straightened out" was incorporated into the executive, judicial, and legislative appropriation bill of that year. It will therefore be seen that our friends on the other side of the House secured the passage of these laws by the same means by which we are now endeavoring to repeal them, and on account of which their leaders are setting up such a ghastly howl.

In 1872 Davenport secured rooms in the Fifth Avenue Hotel, immediately adjoining those of the republican State committee, so that both election machines could be run together. At that time he owned—whether he does so now or not I do not know—a large printing establishment, at which all his printing was done at the expense of the Government and with profit to himself. This fact was sworn to before a congressional committee by a Mr. Brown, in whose name the business was carried on. Davenport testified before the same committee that he had been instrumental in passing all of the election laws which are now sought to be repealed. The committee in their report say that they were—

Much impressed with the conviction that Mr. Davenport was not wholly unselfish in the interest he took in the passage of these laws, as we find that as soon as the laws were passed he was called upon to fill the chief offices created by them, until now he holds no less than four offices, to wit: United States commissioner, chief supervisor of elections, clerk United States circuit court, and master in chancery.

The same committee further say:

The testimony shows that this Davenport is an active and violent partisan of the deepest prejudices and wholly unfitted for the position, and that he sought it and filled it with sole reference to his own personal ends and gains.

And still this fellow has the power under the laws as they now stand to arrest every democrat on election day and prevent his voting, while the citizen thus arrested has no redress whatever. In order to demonstrate the magnitude of this electioneering engine and the cost of it to the people, let me cite a few figures from official sources. In 1876 Davenport drew for himself \$19,383; he employed 1,070 supervisors at an expense of \$32,115; 2,500 deputy marshals at a cost of \$39,785; for commissioners, \$3,304; in all, \$94,587. In 1878 he employed 1,225 supervisors at an expense of \$30,000; 1,350 deputy marshals at a cost of \$27,000, and for commissioners, \$2,267. I do not know the amount he drew that year for his services as chief supervisor.

George W. Wingate, esq., counsel for one of Davenport's victims, recently in court propounded the Shakspearean question, "Upon what meat doth this our Caesar feed, that he is grown so great?" I think that the figures I have cited would indicate pretty clearly "on what meat" he has been feeding.

In the case of Peter Coleman, the United States district attorney, who is the pliant tool of Davenport, contended that all naturalization papers issued by the superior court of New York between the years 1858 and 1874—and there are about sixty thousand of them—were fraudulent and void, because that court had failed to keep a full record of the proceedings in each case. The Hon. Samuel Blatchford, justice of the circuit court, wipes away this flimsy pretext for robbing sixty thousand naturalized citizens of their rights by saying in his decision:

It is hardly to be supposed that Congress intended to make the applicant for citizenship responsible for a non-compliance with any other conditions than such as he had the power to comply with. The applicant can declare his intention, and can take the prescribed oath, and make the prescribed renunciation; but he can not see to it that the proceedings and renunciation are recorded. He can produce a witness as to his residence and character, and can appear in person in the proper court, and be sworn there in open court, with his witness, as to the matter prescribed in the statute. When this is done he can do nothing more except to receive such a certificate from the court as that which Coleman received from the court, a certificate which sets forth that it is given "by the court under its seal."

Since 1872, when he "straightened out" the law by telegraph, Davenport has had all the power he wanted for controlling the elections and for making money at the same time. He has built up a party machine such as no party has ever had before, and runs it under color of law at the expense of the Federal Government. In the course of last summer ninety-four hundred citizens were notified that charges had been made against them for having voted in 1876 on naturalization papers obtained in 1868, and that they would be summarily arrested unless they surrendered those papers to Daven-

port. Many did so surrender them for fear of being arrested, while the rest were prevented from registering their names for the fall elections on account of this threat. In every case the charges made against these ninety-four hundred citizens were signed by the same individual, a man in the employ of this chief mouchard. About one hundred citizens in my district were arrested on election day, dragged to the republican headquarters of the district, and thence transferred to "Fort Davenport," as his minions call his rooms at the post-office.

Many others, whose names were on the registration-books, were frightened away from the polls because the supervisors were there present, armed with warrants for their arrest and threatening to imprison them if they attempted to vote. Thus was every supervisor supplied with his *lettres de cachet*. A neighbor of mine, who had resided in the same district for seventeen years, and a soldier of the Union Army at that, was arrested. I was asked to go to the republican headquarters in an adjoining district, whither he had been taken. The street for an entire block was lined with carriages, in which the unfortunate citizens who had fallen into the hands of the Philistines had been or were to be conveyed. When I entered the building I found the front room decorated with the paraphernalia of a political headquarters, and filled with republican politicians. In the back room a United States commissioner was holding court. The door was closed, watched by a Cerberus. No one was allowed inside but the prisoners and the republican managers. After about half an hour's waiting I was informed by the doorkeeper that the man I was looking for was no longer there. I asked whither he had been taken. "Suppose to Fort Davenport," was the laconic reply. But not on the ground alone of having registered or voted on papers issued in 1868 were citizens arrested; in this as in former years arrests were made on all kinds of charges.

In New York, ten, twenty, and sometimes even more families frequently inhabit one dwelling-house. If a citizen—or, if you please, the registry clerk—should happen to make a mistake in the number of the house, the floor, or the room in which the voter lives, giving, for instance, 53 instead of 35 as his number—and you will readily perceive how such mistakes are possible without the least fraudulent intent—down comes one of the marshals with an order of arrest and down goes the voter to "Fort Davenport." In this connection let me read you the description of a scene in Davenport's court on election day:

Such a scene as the room of this court presented on that election day has never before been witnessed in this city or in this country, and it is to be hoped never will again. From early morning until after the polls were closed these rooms were packed and jammed with a mass of prisoners and marshals. Not only were they crowded beyond their capacity, but the halls and corridors were thronged with those who were unable to obtain admission, so that the counsel representing the prisoners and the bondsmen who were to be offered to secure their release had the greatest difficulty and were frequently unsuccessful in obtaining entrance. In addition to all this was this delectable iron "pen" on the upper floor, in which men were crowded until it resembled the "black hole of Calcutta," and where they were kept for hours, hungry, thirsty, suffering in every way, until their cases could be reached. With scarcely an exception these men had gone to the polls expecting to be absent but a short time. Many of them were thinly clad. Numbers had sick wives or relatives. Some were sick themselves. There were carmen who had left their horses standing in the public streets; men whose situations depended upon their speedy return; men who wished to leave the city on certain trains. Every imaginable vexation, inconvenience, injury, and wrong which the mind can conceive existed in their cases, so that it was painful for the counsel who were endeavoring to secure their release to approach sufficiently near the railing to hear their piteous appeals and witness the distress which they had no power to alleviate. And over all this pushing, struggling, complaining crowd Mr. Commissioner John L. Davenport sat supreme, with a sort of oriental magnificence, calmly indifferent to everything but the single fact that no man who was arrested was allowed to vote.

This chief supervisor is accuser and judge in one and the same person. He has his assistants to sign complaints in blank. The citizen, when arrested, is brought either before him or one of his clerks, who, like himself, are United States commissioners, and he is then required to give bail or be sent to prison. All the men who were brought before the three commissioners who sat in judgment on election day were asked whether they had voted. If they had not, they were required to promise not to do so. If, to escape the horrors of the county jail, they agreed to surrender their rights as American citizens and gave the promise thus exacted, they were released on their own recognizance. If they refused, they were held to bail. At sundown, after the polls had closed and it was too late for any one to vote, the doors were thrown open and all set at liberty. Out of the many hundreds of men arrested, but one single man could be found remaining in custody, in whose behalf a procedure could be commenced in the Federal courts to test the validity of these arrests. One Peter Coleman, who had no friends to furnish bail, and who was too inexperienced to waive an examination, as the others had done, was committed to jail and then forgotten.

If he had not been overlooked, if he had been released upon his own recognizance, as was the case with the other persons who were arrested with him, there would have been no way in which a writ of *certiorari* could have been obtained to bring up a single one of these arrests before the court so as to test their regularity and validity. In view of these facts, the conclusion is irresistible that this action was intentional; that it was not proposed by those who were responsible for these arrests to permit any review to be made of them; that the purpose for which they had been made had been accomplished, and it was intended to allow the matter to go no further. Fortunately, this shrewd project was unsuccessful. There were parties who in-

tended the matter should go further. A German was not released from jail, and proceedings were instituted in his name by those parties to compel the United States commissioner who committed him and the marshal who held him to disclose the legal evidence upon which not this one prisoner alone but four thousand other persons had been arrested.

And what is there about these papers issued in 1868 that should render the holders of them liable to arrest when they attempt on them to exercise the right of suffrage? The gentleman from Maine has read some figures claiming to show that two of the courts of New York had on certain days in that year issued papers to a greater number of persons than they could possibly have naturalized if all the forms of law in that proceeding had been complied with. It is stated, moreover, that some, or perhaps even many of them, were naturalized without having previously announced their intention to become citizens, or that there was but one witness instead of two to answer the necessary interrogatories under oath. I do not know whether the figures read by the gentleman are true. There is no other evidence of their correctness than the testimony of Davenport, and there is no man in New York outside of the republican managers who would conscientiously say that he believes that man on oath.

But suppose, for the sake of argument, that some papers were issued irregularly, or even fraudulently, in 1868, are innocent holders to suffer on that account? If these papers were deemed illegal, why were many holders of them allowed to vote at every election until the last? And why were not they, or at least some of them, indicted and tried for illegal voting? For the simple reason that the chief supervisor knew them to be legal. The Federal court in New York has pronounced them so, after a State court had already rendered a like decision. Hence all the acts of Davenport and his army of thirty-five hundred intimidators were usurpations, destructive of the rights and liberties of the people.

I have applied the term "mouchard" to the supervisors and marshals in New York. It is a French name, given to political spies during the darkest period in the history of France. The worst characters in that country were employed by a tyrannical government as spies upon its citizens. The worst characters in New York to-day are employed for kindred purposes by our chief "mouchard." Sneak-thieves, gamblers, and pimps make up the army which under his leadership "runs the republican machine." It cannot have escaped the notice of the committee which recently visited New York for the purpose of investigating these matters that almost every one of Davenport's witnesses bore upon his face the imprint of a questionable character.

The laws of the State of New York have been changed since the time when election frauds were perpetrated, when the managers of both parties combined formed "rings" and swindled the people out of their rights. I do not defend the practices of 1868 and 1869. I denounced them then and would denounce them again to-day were they committed now. But since those days the Legislature of New York has enacted a law which throws around the ballot-box all the safeguards that human ingenuity can suggest. It protects the purity of elections against contamination from any and every source, except by the reckless partisans who claim to act under the authority of Federal law.

The New York law makes an invidious discrimination against the naturalized citizen, in that it requires him to produce his citizen papers before the board of registry. The negro has rights under the Constitution which the white citizen who made this country the home of his choice does not enjoy. What have the adopted citizens done that they should be harassed every other year when they claim the privilege of voting? They have performed to the fullest their duty as citizens; they have paid taxes, performed jury and militia duty. In the darkest hour of misfortune the Government called upon them to support its cause. With their strong arm and their heart's blood they cheerfully responded. Had it been otherwise, the history of this country would probably be written differently from what will now be recorded. Their patriotic devotion to the land of their adoption has been a theme which has inspired poets and upon which orators have delighted to dwell. And is it too great a boon to grant these men the free exercise of the right of suffrage; to give them a voice in the selection of those who are to impose taxes upon their property and legislate for them?

The great mass of persons naturalized in 1868 acted in good faith. The proceedings were regularly and legally taken as far as they could make them so. Davenport tries to show that he not only arrested avowed democrats but also some republicans. If this be so it does not in the least palliate the crime committed against the adopted citizen. In fact the German republicans in my city, many of whom are my personal friends, demand that these laws be repealed. Many of them have said in my presence that "this Davenport nuisance ought to stop." They do not wish their fellow-citizens to be robbed of their rights. We appeal to them and to the adopted citizen all over the land for relief from the republican "managers," the originators, aiders, and abettors of this system of "mouchards." Our experience of to-day may be their experience a few years hence.

It has been asserted that this country has liberal naturalization laws. Why, so have other countries. France requires a residence of only three years, but even these may be reduced to one in favor of foreigners of distinguished talents or who have introduced or manufactured a useful invention. Austria requires no previous residence.

Greece requires a residence of but two years, Portugal two, and Denmark one. In Belgium and Holland no prior residence whatever is necessary. Even in Russia, generally supposed to be an illiberal and despotic country, all foreigners who choose may be naturalized upon simply taking the oath of allegiance. In Württemberg, simply purchasing land makes a person a citizen, and in Prussia the authorities are authorized to naturalize a person upon being satisfied of his good conduct. Mexico requires two years' residence, Peru one, Venezuela one, and Brazil three. And why should we lay difficulties in the way of the emigrant from Europe? Are we not all either emigrants from there ourselves or descended from those who were?

It is well known that several American citizens of German birth have recently been imprisoned while visiting their native country, and we are called upon to demand from a foreign government a redress of wrongs committed against them. How can we consistently do so when our own Government insults and outrages them; when United States officials deny them here at home their rights as citizens? Can we ask foreign governments to respect rights which our own Government practically refuses to recognize? How different is the story told by the past history of this country? Many of us here remember the case of Martin Koszta. He was not a citizen of the United States; he had simply declared his intention of becoming one. After doing so he left America temporarily and went to Turkey. Yet when he was seized by the commander of an Austrian man-of-war and claimed as a Hungarian subject the captain of the United States frigate Saint Louis, without stopping to consider the question whether Koszta was a naturalized citizen, cleared his ship for action and notified the captain of the Austrian vessel that unless he surrendered his prisoner within an hour he would open fire upon him. America arose as one man in approval of the heroic course of Captain Ingraham on this occasion. A vote of thanks was passed him by Congress. Not only was his conduct approved, indorsed, and defended by the Department of State, but the right of expatriation and the intention of the United States to protect its adopted citizens was asserted by William L. Marcy, the then Secretary of State. In addition, resolutions approving of the conduct of Captain Ingraham were adopted by almost every organization of any character in the nation, and rewards without number were showered upon him, for it was felt that his manly conduct upon that occasion was the expression of the feeling which this country entertained toward those who had cast their lot with it, irrespective of any technicalities as to whether the formal act of naturalization had been completed. But that was in 1854, in the good old days of democratic rule, when patriotism governed the country and stood high above the dictates of party interest; while now, in 1878, we find officers of the Government asking that many thousands of our people be denationalized in the interest and for the benefit of a party which seems to live on hate, passion, prejudice, and the persecution of those who differ from it in political faith.

While Great Britain, when it naturalizes a foreigner, does not engage to protect him outside of the dominions of the crown, it gives him all the political and civil rights of a British subject. In this country we pride ourselves upon the presumption that we protect the American citizen wherever he goes, but we allow petty officials to abridge his rights at home. With what decency can we ask Great Britain, or France, or Germany to respect our acts of naturalization if we do not ourselves respect them? May not the first *gens d'armes* in any country of Europe question the validity of a naturalization paper upon the ground that it might perhaps have been irregularly granted by the court the seal of which it bears?

It is scarcely four hundred years since the first European put his foot upon this continent—a short space of time in the history of the world. Civilization has followed the setting sun. A new world has been opened and cultivated by Europeans and their descendants on their march toward the West. Westward seems now to be and ever to have been the natural course of that race which is supposed to have come originally from the interior of Asia, spread over Europe, and then spanned the wide Atlantic in the race of civilization and of progress. We are all Europeans; we are all Americans. We do not claim to be any better nor any worse than others. We are liable to err, as are the best of men; but your destiny is our destiny; your future is our future. Why, then, should a narrow-minded party policy restrict our movements and curtail our privileges? A noble sentiment gave birth to the now dominant party and advanced it to power. Is it now so utterly bereft of all sentiment that it must retain that power by the questionable means of persecuting the adopted citizen?

Repeat these laws, which endanger the liberty of the people. They are the remnants of a reign of violence, marking the worst epoch of the republican party, when corruption, trickery, and the lust for power disgraced its executive, legislative, and judicial councils. We have advanced into the last quarter of this century; let us hope that the days of party passion and of party violence are nearly over. Another century will look down with disdain upon the efforts of a party which by means of laws for the oppression of the emigrant seeks to maintain its ascendancy. These laws are crimes upon your statute-books—crimes against the liberties of your own race. To defend a fancied equality between the negro and yourselves you sacrifice the best friends you ever had in peace or in war.

The attempt to perpetuate the republican party by means of these laws at the South has signally failed. In vain have you sown the seeds of hatred between the blacks and whites, at the risk of engendering a war of races. The reins there have already fallen from your

grasp. So will your policy against the adopted citizen prove suicidal in the end. The alien and sedition laws, enacted in a spirit of illiberality and prejudice against the foreigner, caused a popular uprising which swept the old federal party out of power and existence. The ghost of know-nothingism is again stalking through the land. He may yet turn to torment those who have conjured him up from the deeps—for the days of prejudice, passion, and persecution are fast receding before an approaching age of reason.

The Sugar Tariff.

SPEECH OF HON. A. M. BLISS,

OF NEW YORK.

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 25, 1879.

On the bill (H. R. No. 6134) to regulate the duties on sugar.

Mr. BLISS. Mr. Speaker, I desire to present a petition and memorial signed by workmen who are opposed to the passage of this bill, and who believe that its passage will destroy the refining industry of this country, and would divert it to Cuba and other foreign countries, to the ruin of the interests of the laboring classes and their employers in the United States.

The memorial which I present is signed by 6,216 workmen who are variously employed in the following interests, engaged in furnishing supplies to the sugar-refining industry, namely: 1. Sugar-refining workmen; 2. Western lumbering; 3. Barrel-making; 4. Iron-working; 5. Brass-founding; 6. Copper-smithing; 7. Building; 8. Mill-sawing; 9. Vat-making; 10. Truck-building; 11. Bone-black burning; 12. Fire-brick manufacturing; 13. Paper-making; 14. Stone-cutting; 15. Hauling and transportation; 16. Manufacturing of filter-bags; and is as follows:

To the Congress of the United States:

The undersigned, workmen employed in the sugar refineries of the United States and in the manufacture of various packages, implements, machinery, apparatus, &c., used in refining sugar, hereby petition your honorable bodies not to levy such a tariff upon the lower grades of sugar as to check their importation as raw material for the operation of sugar refineries here, which would certainly be effected by placing the same specific duty upon the lower-priced goods, which are unfit for domestic use, as upon the refined or partly refined sugars, which go directly into consumption. Such legislation necessarily destroys the refining industry of this country, and would divert it to Cuba and other foreign countries, to the ruin of the interests of the laboring man and his employer in the United States.

The objection to this bill, as I understand it, is that it imposes the rate of tax upon sugars which differ in value 100 per cent. This is an injustice to the consumers and the manufacturers in which the whole public interest is involved.

Test for color has become an unreliable one since the existing law was passed, because there are now low grades very rich in saccharine matter. A new and additional test must, therefore, be added to the test of color. In the constant transactions of commerce this test is supplied by the polariscope, and if the use of this test is authorized and the duty made to depend upon the percentage of saccharine matter as well as color, the consumer will not be unjustly taxed, the manufacturer will not be paralyzed, and the Treasury will be protected. Besides, if merchants be compelled to swear to the invoice value, as in the case of other merchandise, fraud will become very difficult, because confiscation can be enforced as the remedy against undervaluation.

Canadian Reciprocity.

SPEECH OF HON. SAMUEL S. COX,

OF NEW YORK.

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 24, 1879.

On the bill (H. R. No. 6471) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

Mr. COX, of New York. Mr. Chairman, in introducing House bill No. 6146, "to regulate commerce between the United States and the Dominion of Canada in articles the growth, production, or manufacture of said countries, and to provide for reciprocal navigation," I did not expect it would have received so large a discussion, especially in the former country. It was not my intention to call the bill up for action in this Congress. After the performance of this democratic Congress on the subject of reforming our own tariff, there was little hope of any success for this measure the present session. My object was to provoke discussion in a proper spirit, looking to the mitigation of severities which prevent mutual trade between the Dominion and ourselves, so that we might prepare for proper legislation the next session. It is not my purpose now to give any reasons why we have failed so signally in the present Congress; nor is it necessary to express my own regret at the controversy in connection

with the fisheries, and the feeling engendered by it, which have increased the impediments to full reciprocity. Nor would I have discussed the matter at the present session but for some very uncalled-for, not to say ignorant, strictures made upon my action by the New York Times' issue of the 8th of February. Nor was my action intended in any way to affect the relation of parties in the Dominion.

Whether Sir John A. McDonald's policy be bold statesmanship or not, it is certain that no protective policy from any quarter has been effective enough, as has been alleged, to bring these Yankees to their senses, if my bill is any evidence that they have arrived at that desirable event. Every honest free-trader must regret any threats of retaliatory measures, and the best way to stop such measures is to present other measures based on principle. Nor does my relation to my own party, which the New York Times discusses, require answer here. It should be known in Canada, as it is known in Washington, that the New York Times is nothing if not spiteful toward its political opponents, and I am not peculiar in being one of its victims. While that paper has been on both sides of the economic question, and everything by turns and nothing long, so as to earn the contempt with which it speaks of myself as a member of the National Legislature whom it had no power to defeat, it is my pleasure to be enabled to lay before the House some reasons why I desire reciprocity for reciprocity's sake, and not to gratify either the caprice of ignorant and interested speculators on this side of the water or to gratify the greedy aspirations of interested parties on the other. It is vindication enough from all assaults to say that in twenty years of service here I have been faithful to the teachings which I learned from Dr. Francis Wayland. He taught me that mutuality in trade, abolition of exactions and prohibitions, tended toward peace, wealth, civilization, and Christianity.

If indeed, as would seem to be indicated, protection is growing in Europe, and especially in Germany; if France has become reactionary since the Cobden-Chevalier treaty, and if Canada herself, for reasons which I cannot fully understand, much less state, is receding from her former policies, there is no reason why a sound policy as to industrial relations on scientific principles should not always be vindicated. In their vindication, I know of no boundary, geographic or otherwise. Whether the bill which I propose be all that can be desired, whether its simplicity is its own recommendation, or whatever else may be said, one thing I desire emphatically to declare, and that is that no diplomatic negotiations shall ever make, with my consent or the consent of the American Congress, customs duties for our people. Full and reciprocal tariff arrangements must have the consent of the Legislatures of the people.

Our State Department has been busy making a grand ostentation gathering materials for trade with the world. Mr. Evarts has declared that he desired full trade. He has not said that he desired free trade, nor did any of those who belonged to his party desire it, whatever they may utter. He may gather his new building full of statistics; he may ask for appropriations every year to attend the centennial and other expositions of industry; but he can never compel the Federal Congress to give bounties to a selfish class in order to influence a larger interchange between nations. When the bill for the appropriation for the Paris exposition was before Congress, I urged that we should enlarge the sphere of consumption in order to obtain an outlet for our own productions.

To do this we needed something more than a simple display of goods and a stall in a foreign land. We want a Chinese wall placed around our own country, and restrictive legislation torn down. Take the duties off from our fifteen hundred taxable articles, and the world will consent to trade with us. It is too late at this time, when man has constructed railways upon the earth and the sea has become an economical means of transit through steam, to say that we must not allow others to sell to us in order that we may sell to them. The great difficulty in our tariff with France to-day is that nearly all our articles are prohibited by her, and therefore her trade with us is limited. We must destroy the gaunt specter of greed and unmitigated selfishness through our own legislation before we can reach the markets of the world. The first step for the revival and prosperity of our own country, therefore, is freedom of trade without the fear of shackling it. In the light of these principles, I would like to see the dominion of the United States as nearly mutual as New York and Pennsylvania, Ohio and Kentucky. What is wise between our States is wise between Canada and ourselves. At this time, when we hear so much said about the display of our products between our borders and ourselves, and between South America and ourselves, it is especially desirable to revert to the principles which have been taught by those who have founded the science of economy and those who have crystallized those principles into practical legislation.

This bill proposes to regulate commerce in the products and manufactures of the United States and the Dominion of Canada on terms of perfect equality. I would apply the same principle to the navigation of the inland waters and canals of the two countries. The bill does not aim at reciprocal free trade in its fullest meaning, except in numerous articles which yield only a small revenue to either country, while it proposes to set the tariff on the leading productions and manufactures, embracing the chief industries of the respective parties, on a moderate revenue basis. Though free trade in all industrial products is both theoretically and practically correct, as I have ever urged here, both the United States and Canada have long acted on the plan of raising the chief part of their revenues from taxes laid on

the consumers of foreign productions. Both countries at present need the avails of such taxation to meet the draughts on the public purses. But for this necessity I should be glad to see a much more comprehensive measure adopted by Congress and tendered to Canada as a future basis for the commercial intercourse between the two countries. Since both are inflexibly bound up in using the tax on each other's products for raising revenue, would it not be wise on the part of those who seek to improve our industrial relations with Canada to take a stand in favor of a more general measure at the present time?

The bill I now explain is so concise and explicit as to need but little remark. The first clause provides that all articles, the growth, production, or manufacture of Canada, except such as are enumerated in schedules marked respectively "A," "B," and "C," when entered or withdrawn from bond for consumption in the United States shall be admitted free of duty.

Section 2 provides that the articles mentioned in Schedules A and B shall be taxed in manner and to the amount therein specified.

Section 3 contains three exceptions from the operation of the act: First, of all articles the materials for manufacturing which are foreign to both countries, or either of them; second, of all articles specified in Schedule C, and, third, of the present system of transportation in bond. The schedules, therefore, in reality embrace the chief features of the bill and will need separate consideration.

Section 4 provides the method of valuation. This method is that already in operation in respect to all other countries. It is based on the market value at the place of production. Until some other method is agreed on by Congress and the Dominion Parliament, it would not be wise to enter on a new experiment of taking the wholesale value of goods at home as a basis of values.

This latter plan has of late found many advocates. I do not propose to enter the field of argument at present. The question of valuation seems to present itself about in this form: Will the value set by the current wholesale auction price of goods at home, before the particular goods entered can be brought to the hammer, be a better test of average value than the market where a sale of the same goods has already set a market value? The one is a prospective, the other an actual fixed value. But, as I before said, I do not propose to argue the point, but to accept what is already the practice.

Section 5 provides for ascertaining the origin of the goods imported and entered under this act for home consumption, and the clause is abundantly explicit.

Section 6 is also quite explicit, and provides for reciprocal free navigation of the inland waters of each country by the vessels and boats of the other. To this enlightened policy I apprehend there can be no word of objection.

Section 7 repeals all laws inconsistent with the provisions of this act; and section 8 provides that as soon as the President of the United States shall be satisfactorily certified that the Parliament of Canada has accepted the tendered measure of reciprocity by passing a law similar in terms, and adopting the same tariff on articles the growth, production, and manufacture of the United States, as is specified in this act in respect to similar Canadian productions, and also providing for the free navigation of the Canadian inland navigable waters by boats and vessels of the United States, he shall put this act in force by the issue of his proclamation accordingly.

I have now a few words to say in reference to the details of the measure set forth in the three schedules. These details are very important. As to the general principles of the measure, I do not apprehend any objection will be raised by even the most extreme protectionist. No one possessed of ordinary common sense can hope that Canada will continue the present system of moderate taxation on American industries while we continue to tax the products of Canadian labor from double to quadruple the Canadian rates. I shall presently submit a table of a few of such products, contrasting the two tariffs thereon. This contrast should make even the most *lignum-vitæ* faced protectionist blush. Here allow me to ask gentlemen of that school whether Canada does not by natural proximity, geography, the character of its industries, and by the natural and artificial navigable waters, belong to the common industrial system of this continent? I affirm that it does; and I go a step further and declare my conviction that nature and nature's God never intended that the provinces of the Dominion should be industrially, or, to use the common term, commercially separated from the States of this Union.

The circumstance that these Canadian states do not desire, or care, at present to join the older United States politically is a matter of small consequence to us. I am not going to discuss the advantages or the disadvantages of the respective forms of political administration. That is a question for American statesmen to let severely alone.

I believe I am able to say, in respect to the question of annexation, there are no leading men in this country at present who would move a finger to hasten it. Our position on that subject is one of "masterly inactivity," pure and simple. If time should bring it about, well and good. Certainly such a tariff as ours is not calculated to make Canadians fall violently in love with our methods of financial administration.

Now, the details of the measure, as set forth in the schedules, and which are subject to modification in committee or in the House and Senate, seem to provide a just and very proper method (under the exigencies of the revenues of both countries) for the interchange of the products of the two.

Schedule A embraces such articles as come more conveniently under

an *ad valorem* tax. The list contains about twenty articles and groups of articles, all, of course, of Canadian and American origin. The tax specified is from 10 to 12 per cent. The Canadian rate at present is from 5 to 7½ per cent., and our rate from 25 to 80 per cent.

Schedule B contains some thirty articles which can more conveniently and accurately be taxed specifically. Many of these articles were formerly embraced in the old reciprocity treaty and were reciprocally free of duty. They are indeed articles of prime necessity, and are at present largely driven to foreign markets by our worse than Chinese policy. I therefore favor a low tax. Take barley, which our brewers and beer-drinkers so much need on account of its superior quality. Under the reciprocity treaty the consumption of Canadian barley rose to about nine million bushels in the United States. It had indeed doubled under that treaty in production in Canada. Its export to this country has, since the present American tariff was imposed, fallen to about five million bushels. This tariff is fifteen cents a bushel, and at the average price of barley in Canada it amounts to about 25 per cent. on its value. The Canadians are forced to give up growing barley in consequence and to go back to wheat, which finds a better market in England. Such is the result of legislative interference with the natural laws of human industry by the imposition of exorbitant taxes. Barley, like cotton, is a raw material, which we manufacture, and like all such materials should be taxed very lightly if at all. As for wheat the Canadians admit it free and foster the business of their carriers and canals. We shut it out of our markets wholly by a duty of twenty cents a bushel and at a heavy loss to our carriers. If any is sent to foreign markets through our canals it comes through in bond.

I cannot at present follow up these remarks, but submit in tabular form a statement showing the contrast between the two tariffs.

A comparison of Canadian and American duties respectively on a number of leading articles of commerce and classes of articles.

[NOTE.—In some cases where the American duties on any article are specific, either in whole or in part, they are reduced to *ad valorem* for ready comparison with the corresponding Canadian duties.]

Articles.	Canadian duty.	American duty.
Wheat.....	Free.....	20 cents per bushel.
Rye and barley.....	Free.....	15 cents per bushel.
Indian corn and oats.....	Free.....	10 cents per bushel.
Wheat flour.....	Free.....	20 per cent.
Rye flour and corn meal.....	Free.....	10 per cent.
Oatmeal.....	Free.....	½ cent. per pound.
Potatoes.....	10 per cent.	15 cents per bushel.
Live animals.....	10 per cent.	20 per cent.
Coal.....	Free.....	75 cents per ton.
Salt.....	Free.....	In packages, 12 cents per 100 pounds; in bulk, 8 cents per 100 pounds.
Wool.....	Free.....	25 to 50 per cent.
Flax, dressed.....	Free.....	\$40 per ton.
Flax, undressed.....	Free.....	\$20 per ton.
Flax-seed.....	Free.....	20 cents per bushel.
Starch.....	2 cts. per lb.	1 cent per pound and 20 per cent. <i>ad valorem</i> .
Butter.....	4 cts. per lb.	4 cents per pound.
Cheese.....	3 cts. per lb.	4 cents per pound.
Trees, plants, and shrubs.....	10 per cent.	20 per cent.
Pig-iron.....	Free.....	\$7 per ton.
Bar-iron.....	5 per cent.	35 to 57 per cent.
Plate and boiler iron.....	5 per cent.	\$35 per ton; \$30 per ton.
Iron rails.....	Free.....	\$14 per ton.
Steel rails.....	Free.....	\$25 per ton.
Bricks.....	Free.....	20 per cent.
Sewing-machines.....	17½ per cent.	45 per cent.
Stoves and other iron castings.....	17½ per cent.	30 per cent.
Cars and locomotives.....	17½ per cent.	35 per cent.
Wood screws.....	17½ per cent.	56 to 60 per cent.
Saws.....	17½ per cent.	40 to 50 per cent.
Guns, rifles, and pistols.....	17½ per cent.	35 per cent.
Umbrellas and parasols.....	17½ per cent.	35 per cent.
Carriages.....	17½ per cent.	35 per cent.
Furniture.....	17½ per cent.	35 per cent.
Glass bottles and lamp chimneys.....	17½ per cent.	35 per cent.
Clocks.....	17½ per cent.	35 per cent.
Envelopes and writing paper.....	17½ per cent.	35 per cent.
Room paper.....	17½ per cent.	35 per cent.
Rubber and leather goods.....	17½ per cent.	35 per cent.
Fur goods.....	17½ per cent.	35 per cent.
Felt hats, of wool.....	17½ per cent.	35 per cent.
Machinery.....	17½ per cent.	35 per cent.
Cotton yarn.....	17½ per cent.	46 to 60 per cent.
Spool thread.....	17½ per cent.	47 to 81 per cent.
Heavy cottons.....	17½ per cent.	40 per cent.
Fine cottons.....	17½ per cent.	50 to 70 per cent.
Silk cloths.....	17½ per cent.	50 to 60 per cent.
Woolen cloths.....	17½ per cent.	66 to 200 per cent.
Flannels and blankets.....	17½ per cent.	85 per cent.
Ready-made clothing.....	17½ per cent.	35 to 60 per cent.
Carpets.....	17½ per cent.	50 to 84 per cent.
Alpaca goods.....	17½ per cent.	85 per cent.
Marble.....	Free.....	70 to 1.9 per cent.
Gloves, kid, leather, &c.....	17½ per cent.	50 per cent.
Gunpowder.....	17½ per cent.	60 per cent.
Pencils.....	17½ per cent.	50 per cent.
Linseed oil.....	17½ per cent.	55 per cent.
Steel pens.....	17½ per cent.	40 per cent.
Soaps.....	17½ per cent.	46 per cent.; 54 per cent.
Varnish.....	17½ per cent.	40 to 56 per cent.

The articles specified in Schedule C are excluded from the operation of this bill, because they would raise questions respecting the taxation of certain luxuries which all governments regard as justifying heavier taxation than such as are necessities and comforts of life. The Canadians might, no doubt, remodel their taxation on these articles of tobacco, spirits, ale, and beer, so as to make up for any deficit which the modifications under this act would effect in the receipts from customs duties. But experience has often proven that a small diminution in a tax increases the product, and I incline to think that in this respect both countries will be gainers in revenue by the acceptance of the tariff proposed in this act. Nor do I see any good reason why Canada should not extend the principle so as to embrace all the rest of the world. It may be they have yet to learn by the school of experience, as we have done, the delusion of protection to domestic industry. They must not impute our prosperity to the enforcement of this principle, but to free trade among nearly forty States and a rich and boundless territory. We are annually losing several hundred millions of dollars by the game, and only succeed in building up a very limited number of wealthy monopolists with whom we could well dispense.

What I have said and submitted on this subject is of vast importance to both countries, and I greatly regret that the pressure of business before Congress leaves little hope of making progress with the measure during the short time left to this Congress. If I shall succeed in directing public attention to the subject in both countries it will serve important public ends and pave the way for action in the next Congress, in which I firmly believe there will be manifested a strong if not an overwhelming sentiment in favor not only of better industrial relations with our nearest neighbors, but also in favor of an entire liberalizing and recast of our revenue laws.

I urge on the Ottawa authorities the desirability of a year's delay in disturbing their present customs laws and invite them to consider the plan which this bill inaugurates as the only possible method of bringing about an equalizing of the customs taxation between the two countries. The peculiar circumstances just now existing in our Government forbid the hopes or possibilities of a commercial treaty. On this point I need add nothing, nor do I deem it best at this time to spread before Congress an array of statistics of trade which I hope to have another opportunity of doing.

FORMER EFFORTS TO ESTABLISH RECIPROCITY.

I have discarded the theory of establishing more correct industrial and trade relations between the United States and Canada by means of a commercial treaty as being impracticable. I question the constitutionality of such treaties on the part of the United States. All these treaties affect the revenue; and the Constitution expressly provides that all laws touching the revenue must originate in the House of Representatives, while treaty-making is a specialty of the President and Senate. This was the view taken by the late Governor Hunt, of New York, when chairman of the Committee of Commerce of the House in 1847. In this and the following years, I learn on reliable authority, Canadian agents visited Washington and conferred with Mr. Hunt on the subject of reciprocity of trade, and he urged that the correct method was to proceed by legislation, and accordingly introduced a bill to effect that object on December 20. This bill passed the House by a large majority and almost without opposition, but too late in the session to be acted on by the Senate; and the pressure of the political issues of the time rendered it impossible to reach it in order during the following short session, although a vote taken on it showed that the majority in its favor fell only two or three below the requisite two-third vote.

The question then remained in abeyance till 1854, when the so-called reciprocity treaty was brought about by Lord Elgin, the then governor-general of Canada. The question of its constitutionality was never raised. We had more pressing concerns of local interest absorbing all attention, and these eventuated, as we all know, in the war, the effects of which are slowly dying out, and industrial interests and considerations are taking their place. That treaty, like the Fish-Thornton treaty of 1854, which was very properly rejected by the Senate, provided only for a one-sided reciprocity. The list of twenty or thirty articles to which it was limited, and which were to be admitted free of duty, were nearly all such as Canada wanted to sell in our markets, while it made no provision for manufactured goods which we might desire to sell in Canadian markets. In this respect the bill I have under consideration practically opens the markets of both countries to the industrial products, whether of growth, production, or manufacture, to fair and nearly free competition of both. This, I repeat, is the true and only correct way of dealing with the subject. It is neither commercial nor political annexation, but is as near an approximation to these conditions as either party at present desires.

I claim that under such a system of industrial exchanges as this bill provides we shall be doing the least violence possible, as matters now stand, to the great principle of allowing every man to dispose of the avails of his own labor to the best advantage for his own interests, and buying where those interests can be best conserved. The industries of the two countries will speedily adjust themselves so as to meet each other's wants, and to the peculiarities of soil, climate, and location.

Commercial reciprocity means that the countries concerned shall open their markets to each other on terms of equality as to taxation; and to be of any value to either, in the present case at least, such taxation must be gauged by a very moderate scale, and for revenue

purposes only; and I see no good reason why the revenues arising from this source in both countries should not be pooled and equally divided. I throw out the suggestion so that if acted on no advantage can be gained by either party over the other. A short clause is added to the bill to effect that object.

In conclusion, I have to say that the questions I have raised are very important. I should be glad at all times to receive suggestions from persons competent to deal with the subject of tariffs, for future use and application, but I desire to have all such suggestions in the line of economy and honest mutuality.

Chinese Immigration.

SPEECH OF HON. BENJ. F. BUTLER, OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, March 1, 1879,

On the bill (H. R. No. 2423) to restrict the immigration of Chinese into the United States.

Mr. BUTLER. Mr. Speaker, I have offered these remarks *verbatim* as they were delivered July 4, 1870, at Woodstock, Connecticut, on the question of imported labor, and I have nothing to change after the lapse of nine years; and as I believe that all treaties may be abrogated by a law of Congress, I shall vote against the reasoning of the veto message.

THE PROMISE OF OUR INDEPENDENCE.

Met here to commemorate the birthday of the nation, it is fit to inquire how far the promise of its nativity, made in the declaration of human rights this day, read and renewed to so many millions of free-men, has been fulfilled in what is even now, we trust, but the very youth of its manhood.

Our Government, born in revolution against a parent state and kingly power, founded by men who in their own persons, or immediate ancestry, had fled from the oppressions and religious thralldom of other lands to establish for themselves freedom and equality of right in the savage wilds of a new world, required the very law of its existence to welcome as to an asylum whoever fleeing from tyranny and the exactions of arbitrary power should prefer liberty in exile to restraints at home; and, therefore, it became its cardinal principle, that whoever came to us as our fathers came here should become a part of us, to share with us not only the benefits of our laws, but the power which enacts them.

ALL MAY COME TO EQUAL SHARE OF POWER.

Thus an experiment in government was begun hitherto untried in the history of the world, and has been carried on with unparalleled success until we have peopled and brought under our control an area of the globe greater than ever occupied by any one government, where all its subjects are amenable to the laws enacted by a central power, wherein all have a voice.

THE DISTINCTION BETWEEN OUR REPUBLIC AND THAT OF ROME IN EXTENDING OUR TERRITORY.

The peculiar individuality of our system, and which cannot be too carefully examined, is that, with the extension of our powers and our civilization over this territory, we have also given to every man, from what land soever he comes and under whatsoever institutions he may have been reared, an equal part of the power that we possess of governing ourselves.

Rome, from a peninsular city in ancient times, by her arms, her laws, her institutions, and her civilization, covered every part of the then known world.

THE ROMAN EMPIRE LOST IN OUR BORDERS.

As all magnitudes are to be judged of by comparisons only, we may pause here to consider that, were all the countries conquered by Roman arms or reduced to subjection by Roman power arranged contiguously in compact form and placed in the center of our territory, one of our swift railroad trains, with its palace cars containing more of elegance and luxury of travel than the most sybaritic of the Roman emperors ever dreamed of, must run at the rate of twenty-five miles the hour, continuously, for more than two days from either exterior boundary of our jurisdiction to reach the outward limits of the Roman empire thus placed, even when she claimed to be the mistress of the world.

The distinctive difference in the extension of Roman power and ours is in this: while she subjected so many countries to her laws, she restricted right of citizenship or share in the governing power to the people of Rome and Latium, or only parted with that franchise of citizenship as an almost priceless boon, or later by sale on the most exorbitant terms of purchase; so that her chief captain said unto Paul, "With a great sum obtained I this freedom;" to which the Apostle could proudly reply, "But I was free born."

NEW YORK CITY CONTAINS FOUR LARGE CITIES OF DIFFERENT NATIONALITIES.

On the contrary, from the first, we have bestowed equality of right and equality of power in government on whoever came, until the prin-

cipal commercial city of this country has become the third largest German city in the world, the largest Irish city in the world, the largest African Ethiopian city in the world, and the largest American city in the world, all combined in one; each nationality clothed with full power of self-government never before enjoyed by either save in this aggregation, and an integral and almost controlling element in the government of the most extensive empire on which the sun shines. How far such a city, containing so many, so various, and so different populations, civilization, prejudices, interests, and religions can of their own volition assimilate together and govern themselves and assist to govern others under a republican form of government, is the untried question of the future of this country, undeveloped by any theory of statesmanship, unascertained by analogy, undefined by precedent, and untaught by history.

THE EFFECT OF SLAVERY UPON OUR INSTITUTIONS.

To the success of this grand endeavor to invest all men with equality of right and equality of power, precisely as they came equal into the world, there was but one antagonism. Because of the cupidity of the merchants of the mother country and the avarice of the land-owners, the then capitalists of our own, a system of servile labor was introduced which the framers of the Declaration of Independence saw was a blot from the first and the unsound spot in their organization of government. "It was a grievous fault, and grievously have we answered it."

Scarcely two generations had passed away—but an hour in the life of a nation—before it was ascertained that a controlled and unpaid laboring class was an element utterly incompatible with the theory of free representative republicanism. Still so deeply had slavery taken root and become imbedded in the very frame-work of our Government and its tendrils entwined in every crevice of our social and industrial relations that it required a gigantic rebellion and a war of greater proportions than any other ever waged, whether we consider the territory it traversed or the expenditure of men and money in carrying it on, to extirpate human bondage from the only truly free country on earth.

FOR THE FIRST TIME WE ARE A TRULY EQUAL AND FREE PEOPLE.

From the consequences, results or *sequela* of that contest we have so lately emerged that to-day for the first time do we celebrate the anniversary of our national independence under a Constitution which gives equality of right to all men before the law and equality of power to every citizen born within the United States, or made so under the very beneficent provisions of our laws; and the ink is scarcely dry on the pen of our Chief Executive Magistrate who honors our meeting with his presence with which he signed his approval of the first law enforcing this constitutional provision of equality before the law in behalf of all men.

The existence of slavery, or of a class held in bondage, unequal in right of citizenship, has been therefore incontrovertibly shown to be deadly as the Upas tree to free institutions.

THE EXPANSION OF OUR FUTURE.

Even with this so great drawback, however, the problem of making our country the home of every man who shall voluntarily come to it, of absorbing men by nations, has achieved a most triumphant solution. If we could stop here, and the nation pause in its career of honor, usefulness, and glory, the future would be as secure as the past has been successful; but not to go forward is to go backward. Progress is inevitable; and if we remain true to the principles of liberty and just government our career is onward and upward in the scale of nations forever.

Must we not look forward to a still greater growth and attainment in material resources and wealth and all the means of individual happiness derived therefrom, because no greater progress in political science to insure freedom and protection to all men can be made if we but execute the laws that we have enacted? Is it not as certain as any future event in the disposition of Providence can be, that before the end of the present century, from the necessity of our expansion, we shall absorb all lands on this continent to the north of us so far that on our confines the magnetic needle shall no longer point northward, but downward to the center of attraction, and so far south that a ship-canal crossing the Isthmus of Darien, making the continent of South America an island, shall be our southern boundary, while the green islands of the seas on our borders, like the sparkling gems in the necklace of a fair bride, shall come to us as adornments? Even now the action of our Executive has placed at our disposal the first land, the goodliest of them all, that greeted the longing sight of the great discoverer as he sailed on his weary voyage westward over trackless seas like a vision from heaven—San Domingo—as our own if we had but the wisdom to take it.

WE HAVE BOUGHT OUR OWN TERRITORY, NOT ACQUIRED BY CONQUEST.

This thought suggests to us another difference in principle in the method of acquisition of territory by our Government and that of the ancient republic of Rome. All her possessions were conquered by arms, were the price of blood, and were unwilling dependencies, held by the military power as conquered subjects. On the other hand, we hold no rood of land not ours by inheritance, which has not been bought and paid for at the price asked by its owners, and we have no man upon our soil not a willing subject; nay, who has not in himself striven to become one of us. The only foreign war we have ever waged

was not for conquest, because when all Mexico lay prostrate at the feet of our victorious armies we restored her to herself, and paid in coin for so much of her territory as was necessary to our then development in that direction.

THE DEPARTURE FROM THE PRINCIPLES OF OUR FATHERS.

But in casting the horoscope of the future of our beloved land may it not be well to observe whether we indeed are going forward in just accord with that glorious declaration of rights proclaimed ninety-four years ago, which has become the living charter of liberty to all nations of earth? Is it not the theory of our Government that we shall receive all who come to us animated by the love of liberty and desire to enjoy its sweets; that this country is the home of all who of their own volition will leave home and altars and fatherland to take part and lot with us on this continent? Did not our fathers assume in framing their constitution of government, making this country an asylum for the oppressed of all nations, that it would be peopled only by those whose energy and enterprise in coming here were of themselves guarantees that those coming would make good citizens, fit to be intrusted with equal power with ourselves? May we not well inquire whether it is not a departure from that theory of population and absorption in our Government, with equality of right and equality of power, organized by our Constitution safeguard and not in consonance with the true development of our principles of Government, that men unfitted by race, by nurture, or political, social, and industrial culture to become a part in our Government—strangers to our civilization and subjects of another, heretofore deemed semi-barbarous, without knowledge or enterprise, or enough of control of their own volition even to bring themselves here; unknowing our language or any language coming from the same root, without knowledge of our institutions or any institutions which have any analogy thereto; without our religion or any religion that even looks to a common Father should, to satisfy the avarice of men, by contract or by force, as serfs, be carried here in countless thousands to antagonize and depreciate the labor and industries of our sons, and either to take rank in our Government or, like slaves, remain in serfdom forever?

ALL SYSTEMS OF SERVILE LABOR ALIKE DISASTROUS.

History ever repeats herself. The English ship that brought over a few African slaves because of the scarcity of labor for raising tobacco in the Virginia plantations, and because white labor demanded too high a price, seemed to the men of that day to freight a boon and a blessing. They saw no sign, no cloud in the political horizon even so large as a man's hand. The profits for the venture seemed so large, the advantages to be derived from the great increase of wealth from the increase in productions gave argument quite unanswerable. Remember that an eminent divine introduced African slavery into the New World as a matter of great humanity. The most far-reaching statesmanship, the most progressive theorist of political economy, saw in this undertaking no seed or source of danger to the common weal. But though the importation of African labor was very early stopped by the most stringent enactments, in how short a time that small cloud spread itself out, rolled athwart the heavens, enveloped us in tempest and storm, the consequences of which no wisdom could forecast, and from which no power could shield; so terrible that the country almost went down in night and darkness, and nothing but the patriotism of our people, nerving itself to a death-struggle with wrong, sin, and treason, after four years of war, such as man never fought and the like of which never brought woe to woman, saved to us our pristine state of plenty, strength, and peace.

CONTROLLED AND UNPAID LABOR INCOMPATIBLE WITH REPUBLICAN GOVERNMENT.

What was the philosophic cause for this great effect? The light of experience now teaches, because an unhomogeneous, an unnatural, an unproductive, because unexpending, system of labor and class of laborers had been introduced among us, not by volunteer immigration, but by forced importation, tending to raise up two classes of society—the very rich and the very poor, the industrious and the idle who feed, without return, upon industry, both incompatible with true republican institutions.

Would it not be wise, then, for our statesmen to examine with care; to foresee, as far as Heaven has permitted men to pierce the future, what will be the effect, what the result, and where the end we shall reach by the importation, by contract or purchase, of laboring-men from any land, and, more than all, from a semi-barbarous one; men who are to be tasked laborers only forever, and who are therefore not men but merchandise? Shall we wait until the system of contract labor has taken as deep root in our soil as that other system of servile labor had done before we foresee and check the evil? We deal not now with the industrial and economic view of the question, but with the far broader and grander one of its high political aspects. Let us not, by any means, hinder or prohibit the voluntary coming to this country of all men who choose to add their labor, their energies, and their industry in aid of our own. No one ever complained of the negro who came here of his own free will. From his so coming arose neither wrong nor danger to freedom or the perpetuity of free institutions; but the negro, brought here as a commercial speculation, wrought the great difficulties from which the country has so suffered.

THE NOBILITY OF LABOR NOT TO BE DEGRADED.

The highest pursuit in this country is intelligent labor. It is not

reputable to be without regular and constant employment. Who so works with head or hands is here the nobleman. The cunning artisan is the prince. All here are equal—all are sovereigns.

It is, therefore, the highest province of statesmanship, the loftiest duty of patriotism, the hope of freedom, and the promise of the regeneration of nations, to take care that in America labor be neither degraded nor enthralled.

Federal Surveys—The Present System Should Be Maintained.

SPEECH OF HON. T. M. PATTERSON,
OF COLORADO,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 11, 1879.

The House being in Committee of the Whole, and having under consideration the bill making appropriations for the executive, legislative, and judicial expenses of the Government—

Mr. PATTERSON, of Colorado, said:

Mr. CHAIRMAN: I shall content myself with discussing the portion of the appropriation bill now before the committee that relates to the transfer of the Coast Survey to the Interior Department, and proposes such radical changes in our surveying system and its machinery that if carried into effect can only result in greatly obstructing, and to an unknown extent, the present and future settlement of the public domain.

The remarks of the chairman of the committee [Mr. ATKINS] made last evening are well worthy of consideration. We have always recognized in him a man peculiarly of facts and figures, and with a bent of mind always in the direction of economy; but we little thought, until there rolled from his tongue in such a rhythmic stream dissertations upon geodetic methods and rectangular systems and trigonometrical plans and ellipsoids and bases and triangles, that beneath the stratum of mathematics there was a reservoir of science which needed only to be sounded to develop all the poetry and beauties of the scientific world.

The gentleman, by the power of his logic and the charm of his oratory, has thrown around this proposed demolition of one of the oldest and most useful of our governmental systems, a vestment of bright colors which conceals from the casual observer the evils lurking beneath it. The proposition, fraught, as I think I can demonstrate, with disaster to the West and its landed interests, cannot be passed over with a mere cursory examination. It demands and should receive the searching scrutiny of every member who recognizes the obligations he labors under to his constituents. My constituents are not the only persons interested, but each of you have constituents who look to the West as their future home, and who should not be deprived of any of the advantages heretofore enjoyed by those who have secured homes upon the public domain.

The bill, as reported, proposes to do the following things: to transfer the Coast Survey from the Treasury to the Interior Department; to abolish the offices of sixteen surveyors-general, and to practically abolish the present system of public-land surveys. I say it in the hearing of the chairman of the committee, and the committee itself, the bill in terms and in fact does abolish that system, so far as leaving its discontinuance to the discretion of one man can affect it. The measure will throw almost insurmountable obstacles in the way of the settlement of the public domain. It will practically abolish the homestead system, now the crowning glory of our land laws. It abolishes the contract system of surveys, and puts in its stead a method without responsibility or accountability in those who pursue it. It will destroy official accountability in every branch of the Land department and substitute a system of administration necessarily extravagant and inaccurate.

Why is this change proposed? Why is this singular legislation attached to an appropriation bill? Why should the harsh machinery of an appropriation measure be applied to thrust this scheme upon an unwilling House and Senate? Has there been any demand for this from the people? Have Legislatures petitioned for it? On the contrary, sir, the Legislatures of two States and one Territory, the people of which are most directly and largely interested in the measure, have in solemn terms, by joint memorials to Congress, protested against this attack upon the benefits their people now possess under existing land and surveying laws.

Sir, this is principally the work of one man. Four and two years ago he appeared before the Committee on Public Lands and sought to influence it in its favor. After hearing an exhaustive argument by this revolutionist, and other arguments from Lieutenant Wheeler, Dr. Hayden and members of the Coast Survey, the committee closed its doors upon the proposition and its author. He then set out for pastures new and found them within the limits of the room of the Committee on Appropriations.

I regret beyond measure, sir, that the great committee of this body should have listened to the chimeras of this charlatan in science and intermeddler in affairs of which he has no proper conception. But his

views were pointed with the hobby of the committee—a possible reduction in expenditures—and without, as I believe, understanding the cargo of evils with which they came freighted, they have given them a harbor, and seek to make the House their purchaser at a cost that can only be computed in retarded settlement and unnumbered hinderances to the prompt obtaining of title to homes by the hardy pioneers of our country.

What is the ostensible reason for this change? Say that an evil did exist, that the present three scientific surveys of the Government were occasionally duplicated in parts. Yet that was no evil that justified Congress in calling to its aid an outside body, foreign to the Constitution, to aid it in legislating the necessary reform. Whatever evil existed was a matter merely of administration; it was simply a question of method and detail which the Committee on Public Lands of the House or Senate were amply competent to investigate and dispose of. Why should we have sent the practical questions of prosecuting public surveys and consolidating conflicting scientific bodies to an organization composed of the votaries of art and styled the Academy of Sciences. What is there in that body that renders it so pre-eminently qualified to pass upon this question? Why, Mr. Chairman, does not the Committee on the Judiciary send the knotty question of the distribution of the Geneva award to the Academy of Sciences? Why does not the Committee of Ways and Means call in the aid of that eminent body for the purpose of determining what the tax should be upon tobacco and whisky? Why do not the many other committees of this House call to their assistance this scientific body, and seek to graft its views upon the statute-books of the country?

Sir, there would be more sense in the Judiciary Committee and the Committee of Ways and Means and the numerous other committees of the House referring a majority of the subjects that arise before them to this body than there was in the Committee on Appropriations referring the question of public surveys to it.

As a result of that reference what have we? We have a report from the academy that has been held up as the very acme of perfection. And why? Because it has the names of seven men of science attached to it. What fitness have they ever manifested for the question they propose to settle? One of them is a paleontologist of some renown; as a newspaper correspondent said, he is well qualified to take a spoonful of bone-dust and project from it a *rara avis* or some remarkable animal of the earliest geological age. But he knows nothing of the public lands. He is not a practical engineer or surveyor. We hear no one claiming that he has ever studied the legislation by which the public lands are disposed of, whether to pre-emptors or homestead settlers. Three of that committee are eminent geologists, are qualified to take a hammer and traverse the country breaking rocks and from their composition give to us the history of the world and those who inhabit it. One is a member of the United States Navy and has no experience whatever with public-land questions. These are the authors of the report upon which the Committee on Appropriations would aggrandize one scientific body at the expense of every other heretofore fostered by the Government, and to the detriment of the present land system of the country.

The gentleman from Tennessee assured this House that the bill did not propose to abolish the present system of public surveys. He was forced to assert this, if he would hope to secure the confidence of any respectable number of this body. And yet I will show either that the gentleman from Tennessee does not understand the true purport of his bill, or else there is some scheme behind it that I am not able to penetrate. Let me show what are the provisions of the bill. Let me show that there is absolutely no question about the abolition of the present system of public surveys, if to leave it altogether discretionary with one individual can abolish it. After providing for the transfer of the Coast Survey to the Interior Department, the bill says:

And provided further, That the rectangular method with township and sectional units shall be retained wherever it can be appropriately and economically applied.

That, it seems to me, leaves it wholly in the power of the superintendent of this new body to say whether or not it shall ever be appropriate and economical to apply the rectangular method. But that is not all. I desire to read the very next paragraph in connection with the one to which I have called the attention of the committee, and it will then be seen how absolutely the right to change the rectangular method is given to the new director:

And the Superintendent of the Coast and Interior Survey is hereby authorized to adopt such additional surveying methods as he may deem most economic and accurate.

The first clause I have read, instead of making it obligatory, as heretofore, places it in the new officer's discretion to apply the present rectangular method, and the second gives him the additional power to adopt any other method that to him may seem economical and accurate.

Does it require the mind of a logician to see the practical results of such legislation when it is considered, in connection with the fact that the National Academy, in the very report upon which the bill is founded, recommends that the present surveys, as conducted by the Commissioner of Public Lands, shall be absolutely abolished?

So there can be no doubt, it seems to me, as to the purpose of this measure. There could be but one excuse for it. I know that the gentleman from Tennessee [Mr. ATKINS] would never advocate it unless he sincerely believed that through it there would be obtained a great saving to the country. I think I can show from indisputable

facts that it must result in the reverse of economy; that the bill, if it passes, will perpetuate the most irresponsible and extravagant scientific body that Congress has ever provided for.

Why transfer the Coast Survey to the Interior Department and make its existence practically perpetual? It is a bureau that was organized as far back as 1806 or 1807. It was organized for the special purpose of making a survey of the coast of the United States; establishing the courses and distances between principal capes and headlands; fixing the position of reefs and other dangers to the mariner; so that the navigation of our coasts might be stripped of their terrors to those who sailed in their vicinity.

From the day of its organization until the present time it has been purely a hydrographic survey. The sea has been its domain, and in it their appropriations have been sunk. The organization was never made with reference to the public lands, and never until the past four or five years have they ever claimed that their jurisdiction was any considerable distance inland. Of late years they have been engaged in connecting the surveys upon the Atlantic and Pacific coasts by a system of triangulations across the continent. This and nothing more is the legitimate scope of their operations upon land. Their work upon the coast is almost completed, their race is about run; and while I take no exceptions to the value and rare excellence of their labors, it would be well for the country if it should dissolve before it enters upon a new field of operations with all the extravagant habits it has contracted in three-quarters of a century of very loose financial administration.

I call the attention of the committee to the fact that within the past twenty-nine years over \$14,000,000 have been appropriated for this service. But how have the appropriations been made? As we make appropriations for the other Departments of the Government, by fixing the number of employes, fixing the grade of service, fixing the compensation of its officers and employes? No. This body is so eminently scientific that we have been compelled to appropriate for it each year all the way from one-half to three-quarters of a million of dollars, in three short paragraphs. Such a reckless disposition of money is wholly indefensible. Let me show you the appropriations made for it at the last session, and this is a copy simply of the provisions of every other appropriation bill which provided for it, except in the mere matter of amounts.

The first paragraph provides that the amount for survey of the Atlantic and Gulf coasts, for every purpose and object necessary to it, shall be \$300,000. Then for the Pacific coast, all embraced within ten lines, is another appropriation of \$180,000. Then for the repairs of vessels, \$30,000. How is this money disposed of? Can the chairman of the Committee on Appropriations inform us? Oh, no. He does not know how much of the half million appropriated will go for one part or the other of the work; how much will be used for salaries, for instruments, for work in the field, or for furniture and rent. He cannot tell us the number of employes or their grade. No. The body is too scientific to descend to such details in advance of their annual appropriations. There is not another association or bureau in the Government so imperious and irresponsible. All we know is that a person styled by the gentleman from Tennessee [Mr. ATKINS] the "intrepid Captain Patterson," as head of the survey, takes this annual appropriation of a half to three quarters of a million dollars and disposes of it at his own sweet pleasure.

He employs assistants wherever and whenever he pleases; he pays them such salaries as he pleases; he puts them upon such work as pleases him. How does that compare with the expenditures of appropriations by the surveyors-general or the Commissioner of Public Lands? Every such officer has his salary fixed; he is limited as to the number of clerks he may employ. There is a specific amount appropriated for the Government surveys—for the survey of public lands, and private land claims, and of boundary-lines. Everything has its checks and balances. The officers are all sworn and held to strict accountability. They are under heavy bonds. They are held accountable for all mismanagement and misapplication of the funds; but this body that is to supersede them in these surveys so eminently belonging to the people has neither checks nor balances, is held to no accountability whatever, except in the shape of an annual report of expenditures after the money has all been spent. The checks and balances, the oaths and bonds, everything that surrounds the present land system and its employes, are to be wiped out just as soon as this body shall step in and take possession.

Let me call your attention to the manner in which the expenditures of this body known as the Coast Survey have been progressing in the way of high salaries. I take it from their own report. I hold in my hand the annual reports of expenditures made by the Coast Survey for four years.

The first is for the year 1871, the last for the year 1879. The law requires that this body shall make annual reports to Congress of its expenditures. But after a thorough search through the Journals of the House and the files of the document-room I find that from 1871 to 1879 they have made but four of the annual reports required by the law of 1853. It even rises superior to the very few requirements made by the law upon it, and in the eight years just passed it has condescended to make but four of the reports which the law in express terms has provided should be annually made. While this House has been paring down the number and salaries of the employes of every other department of the Government this Coast Survey, which

is to assume command of our public surveys upon the score of economy and reform, has been constantly increasing the number of officers receiving high salaries and decreasing in a corresponding ratio the number receiving low ones. In 1871, according to these annual reports, I find that there was one officer receiving a salary of \$6,000, and six officers receiving salaries of between \$3,000 and \$4,000. In 1872 the number receiving salaries of between \$3,000 and \$4,000 was increased from six to seven, and from 1874 to 1879 the number receiving those high salaries has been increased to nine.

Now let us come to salaries of between \$2,000 and \$3,000. In 1871 there were ten of that class, in 1872 there were thirteen, in 1874 there were twenty-eight, and in 1879 there was a like number. Then, of employes receiving salaries of between one thousand and two thousand dollars, in 1871 there were seventy-five, in 1872 there were eighty-four, and in 1874 the number was reduced to seventy-six. Of those who received salaries of less than \$1,000, in 1871 there were seventy, in 1872 there were one hundred and nine, in 1874 there were seventy-four, and in 1879 there were sixty-five. In 1874, in addition to the other salaries mentioned, there was one of \$6,000, another of \$5,372, another of \$4,476, and another of \$4,200.

Let me call your attention now to some strange items of expenditure which establishes the way in which this body economizes. In 1871 it paid for rent \$4,310, in 1872 it paid \$10,250, in 1874 it paid \$13,600, and in 1878 it paid \$21,247 for the item of rent alone; and in four years it expended for furniture alone the sum of \$12,461.

These expenditures must go on. This new proposition provides no change in that respect. It introduces no new accountability. It throws around the people no new safeguards against the extravagances of this body. It is proposed to transfer it from the Treasury to the Interior Department, and then, on account of the additional duties devolved upon it, there must be an increase in its annual appropriation of from one-half to a million of dollars at least. Because such a loose method of spending the public moneys was employed in these highly scientific surveys, it might seem like presumption for a common man to complain. But when it is proposed to place under the control of such a body the surveys which affect the people directly, whose cost cannot be increased without taking money directly from their pockets, the representatives of the people must be excused if they protest. The common people will never consent that a system with fixed salaries, the obligation of oaths, the security of highly penal bonds, and most reasonable compensation shall be displaced to make room for one without a single one of the features I have enumerated. How can a democratic committee advise it? If any regard for consistency is shown, it would trample upon instead of making it a pet child in their household.

But it is claimed that this system will produce wonderful economy, in that it will abolish the offices of sixteen surveyors-general. I grant that it does, but it necessarily provides for a greater number of officials in their stead. In the first place it provides that the surveys shall be made by employes of the new organization. These new employes must take the place of the surveyors-general. What will be their salaries? No one can tell until the Coast Survey shall proclaim them; their salary is above the law. At present, archives relating to the surveys are under the charge of the surveyors-general. The proposed law provides that they may remain in their present locality under the charge of employes of the new organization. Again, what shall be the salaries of these new employes? The law is silent; only that omnipotent body can fix them. Thus there are at least two sets of officers provided for the places made vacant by the dismissed officials.

Who of this House knows the present number of the employes of this Coast Survey? Its retainers constitute a little army. I find that last year it had in its employ of civilians alone two hundred and seventy-six persons, and with the sailors placed at its disposal there were six hundred and sixty-two.

Mark you, the Committee on Appropriations say that by abolishing sixteen surveyors-general we will retrench expenditures; we will abolish their offices and discharge their clerks. Does the committee suppose that members can be hoodwinked into believing that the work heretofore performed by these officers can be continued without somebody performing the labor? It makes no difference where it is done; it must be done, and it cannot be done more cheaply than under the present system. An objection is urged that the surveyors-general and their clerks are distinct organizations, and being away from Washington are without the proper surveillance. Sir, I find that this Coast Survey is fully liable to the same complaint if it can properly be so called. By the report above referred to it will be seen that it has bodies of men scattered in many different localities. It does not tell us where or why—that is not for Congress to know—but nevertheless it admits that at one point it has a party with three men in it; at another there is a party with six men in it; at another one with seven in it; at another a party of nine; at another one of twelve; and so on, showing that there are at least thirty-five different parties scattered over the country, composed of numbers ranging all the way from two to twelve, the names of whom the Superintendent cannot give, for he fails to give them although the House expressly directed that he should.

Now, not one of these parties, so far as I can learn, is in a public-land district. They are scattered in the New England States; some few of them are in the South. Some of them, they say, are watch-

ing the vibrations of pendulums in a far-off State, for some occult scientific purpose no doubt. What a farce it is to talk about economy by going in this direction. You might as well transplant a princess from the castle of her ancestors to the hut of a peasant and expect her to thrive on the restricted and scanty diet of her new home as to expect an organization educated as this has been to live within the bounds so essential to a faithful and cheap execution of public duties.

In the city of Washington to-day there are seventy employes of this Coast Survey, doing—what? Who can tell? How are they in official existence? There is no law prescribing their existence. What is their compensation? You will have to go to the Director of the Survey to find out; there is no law fixing it.

Let me now show how, under the proposed change, innovations will be made in the present methods of obtaining titles to land. I said that it would interfere with the homestead system. Let me show you that I did not exaggerate in the slightest degree. Those of you acquainted with the conditions which must exist to enable a settler to obtain a patent for his land know that it is utterly impossible to secure a homestead title without a five years' residence upon surveyed land. A survey is absolutely essential either to a pre-emption or a homestead title; and the survey must be made before the five years that will entitle a settler to a homestead patent will commence to run.

What is the theory of the homestead law? That the head of a family who desires to become a landed proprietor may, with little cost—the payment of officers' fees only—enter upon one hundred and sixty acres of land and by living upon it and cultivating it for the period of five years obtain a title to the land from the Government. There are provisions embraced in this bill which will practically enable the Commissioner of the Land Office to wipe out these privileges of the homestead law. Let me read what they are:

That hereafter surveys of public lands shall, at the discretion of the Secretary of the Interior, be made under the deposit system, on petition of not less than five persons for the survey of a township.

Now, mark the proposition:

The sum of money to be deposited for the survey of the township shall equal the cost of the survey at the present rates allowed for the several classifications of the land to be surveyed, including such sum as shall be estimated for office work.

Let us stop to consider the effect of these provisions. When the immigrant from Ohio, Indiana, Louisiana, or any other section of the country, finds a piece of land over which the public surveys have not been extended, and desires to make his home upon it, this law says, the Secretary of the Interior may, at his discretion, compel this individual to find four others who, with him, will put their hands into their pockets and take out from \$500 to \$800, that it may be deposited with this Director of the Coast and Interior Survey for the purpose of surveying the township in which the land is situated. This must be done before he can commence the five years' residence and cultivation which entitles him to a patent. Why, a pre-emption title would be cheaper; it could be obtained with infinitely less difficulty and expense.

Any man acquainted with the public-land system knows that this will never operate.

Mr. GAUSE. How is it you get homestead title to that kind of property now? That is, how do you get a homestead title to lands which have not been surveyed under the present system of surveys; and how will that affect surveyors generally?

Mr. PATTERSON, of Colorado. If you desire a homestead title where the public surveys do not now exist, by having your surveyor-general, a local officer, living in the land district, you can make your application to him for the survey, and within a short time thereafter, if the drift of settlement will justify it, surveys will be extended over the land in controversy, and immediately the five years necessary for title commences to run.

Mr. GAUSE. Is there an instance upon record where a surveyor-general or anybody else has made a survey of a township for the purpose of allowing one or two locations for homestead?

Mr. PATTERSON, of Colorado. Why, I know there are scores of instances just such as the gentleman has mentioned.

What I object to and denounce is, leaving it discretionary with the Secretary of the Interior to say whether or not there shall be any more surveys of the public lands under any other than the deposit system. That is what I object to, and it is what every other Representative, who desires the convenience of and the speedy, cheap, and simple method of passing title to the frontier settler, should oppose.

How is it in the case of new States? Take my own State as an example. Congress by the act which admitted it into the Union consecrated to the children of the State forever sections 16 and 36 of each township of land within its borders. The proceeds of these sections are to be set apart as a school fund, out of which free, unsectarian education shall be guaranteed to its youth of the present and future generations. A noble gratuity, a grand achievement; and yet if the scheme under consideration is attained, if the present system of surveys should be abandoned, if we are no longer to have the public domain divided into townships and sections, our school fund is lost; for it is only when the lands have been thus surveyed that title to such lands can pass to the State in trust for public free education.

True, so far as the public surveys are extended, we shall have those sections. But only one-third of the public land in Colorado is surveyed, one-fourth in Nevada. In California one-fourth of the public

lands remains to be surveyed. To the extent of the surveys, as at present existing, and no further, will our school fund exist. Nor is this the only evil which will result to education. To Colorado, as to other States, half a million of acres of land were given by the General Government for collegiate purposes. These can only be selected in townships or other divisions into which they may be divided by the existing laws. Until the surveys, as they exist, are extended over the whole area of the State, grave injustice must result to all such college enterprises, for the State is prevented from selecting these lands out of such portions as are not surveyed.

Ah, the gentleman from Tennessee, may say, if the proposed law operates in this way, we can remedy it at future sessions of Congress. But why make this necessity? Why interfere in any way with a system that has proved accurate and beneficent, and has scattered widespread blessings all over this land?

Mr. GAUSE. Do I understand the gentleman from Colorado to say by this change the system of surveying by townships and sections will be abolished?

Mr. PATTERSON, of Colorado. I do not say it will be abolished, but I assert it leaves their abolition altogether at the discretion of one man.

Mr. WIGGINTON. Why, no.

Mr. PATTERSON, of Colorado. Why, yes. If you can understand the English language, you must coincide with me.

Mr. GAUSE. There is nothing so absurd.

Mr. PATTERSON, of Colorado. Let me read the provisions of the law again for the benefit of the gentleman from Arkansas and the gentleman from California. It is well enough to impress the truth of this disputed fact firmly upon the minds of the members of this body:

And provided further, That the rectangular method with township and sectional units shall be retained—

How?

shall be retained wherever it can be economically and appropriately applied.

Who is to determine where the rectangular method "may be economically and accurately applied?" The law answers, "This new director." If he should conclude that our old method—the rectangular—cannot be so applied, that is the last of our present system of surveys. But that is not all. New methods may be brought in. The law distinctly says so. The old method may be abandoned, and this new official is given imperial power to substitute for it whatever his judgment dictates. I call your attention to the paragraph next succeeding the one I have just read:

And the Superintendent of the Coast and Interior Survey is hereby authorized to adopt such additional surveying methods as he may deem most economical and accurate.

What wider latitude could be given to any one to pull down the old and build up the new? Ah, if we knew what the new would be; if it would be better and simpler and more complete, we might consent; but this House cannot put it in the power of any man to destroy the present system, three-quarters of a century old, without something being offered in its place that may be called an improvement.

Who has demanded this possible destruction of our beneficent land system? The Academy of Sciences? No; for their report contains nothing that would justify these clauses. From my knowledge of the clamorings of the individual to whom I referred in the opening of my remarks it comes from him, and the Appropriation Committee in incorporating them in the bill has but registered his desires. But if any change could be justified at another time, it cannot at the present. Our people are just being aroused from the stupor of stringent times. Under the impetus of resources that rival the magnificence of the most extravagant fiction, the American people are taking a new start in the race for prosperous times and happy hearthstones. Homes are what the representative Americans demand and are seeking. The oppressed of Europe—from Britain, Ireland, and Germany a human tide is setting to our shores, borne up in their self-banishment from the homes of their birth and their ancestors for hundreds of generations with the belief that America offers to them homes they can call their own, and which will be freed from the visits of the agent and the tithe-gatherer. The certain evidence that these are facts is found in the present demand for our public lands. The year just passed has been one of grand activity in this direction. The figures of sales and homestead entries furnish a volume of reasons why a change which means confusion should not be made, and why the surveys, instead of being suspended or curtailed in extent, should be pushed forward with renewed vigor and liberality. The report of the Commissioner of the Land Office tells us what these results are, and I will briefly repeat them to you. During the past year eight million and forty-one thousand acres of the public lands were surveyed and eight million six hundred and thirty-six thousand acres were disposed of, or nearly three-quarters of a million of acres more were disposed of than were surveyed. In 1878 there were 4,418,344 acres taken up as homesteads, or two hundred and seventy-six thousand families were provided with homes out of the public domain. As compared with the sales and entries of land the preceding year, 1877, the increase in many States and Territories is startling. In Dakota it was 500 per cent.; in Wyoming it was 350 per cent.; in Montana it was 275 per cent.; in Nevada it was 200 per cent.; in Minnesota it was 250

per cent.; in Nebraska it was 140 per cent.; in Colorado it was 100 per cent.; and in every State and Territory possessing public lands a very decided percentage of increase has been officially reported.

I am content to allow these figures to enforce their own argument. To the American Representative they are pregnant with tidings of that advance in the numbers of small landed proprietors which give increased stability and character to our republican form of government.

But what about the cost of surveys under the present system? Is it excessive, or does it denote extravagance? It will startle some of those gentlemen who tie their faith to the Academy of Sciences to learn that in the past eleven years there were surveyed 219,190,000 acres at a cost of but \$8,769,000, or at a cost of a fraction over four cents per acre. This includes everything. The chain was run over them, monuments established, triplicate maps made and deposited in the proper offices, office rent and other expenses with clerk hire paid; in short, everything from the letting of the surveying contract to the completion of the work in all its stages and details has been done for the Government at this very trifling cost. To the ordinary mind there seems but little room for economy in these figures. Nor has the Academy of Sciences promised us a saving upon these figures if their scheme should be adopted. The gentleman from Tennessee said they could run a system of primary triangulation over the public domain at fifty cents a square mile.

Mr. ATKINS. I stated that on the authority of the Superintendent of the Coast Survey.

Mr. PATTERSON, of Colorado. I know it.

Mr. ATKINS. Does the gentleman challenge the authority?

Mr. PATTERSON, of Colorado. Yes, sir.

Mr. ATKINS. Give your reason for it.

Mr. PATTERSON, of Colorado. The gentleman from Tennessee could not walk four square miles for fifty cents. Fifty cents would not pay the boot-leather worn out in the operation. [Laughter and applause.]

Mr. ATKINS. Do you suppose you have to walk over the whole Territory in making a primary triangulation?

Mr. HASKELL. It would cost more to dig the post-holes for the corners of quarter sections. [Laughter.]

Mr. PATTERSON, of Colorado. That shows the impractical nature of this proposed change. It shows that the gentleman from Tennessee has been imposed upon by designing men into putting forward for them their pet schemes.

Mr. ATKINS. The gentleman from Colorado in his enthusiasm is talking about the rectangular system; he does not know anything about the triangular system himself.

Mr. PATTERSON, of Colorado. I know as much about trapezoids and ellipsoids, arcs of meridians and trigonometrical methods, geodetic points and parallelograms, [laughter,] and all such things, as does the gentleman from Tennessee.

Mr. ATKINS. Doubtless you do.

Mr. PATTERSON, of Colorado. The difficulty with the gentleman from Tennessee is that he was talking and is inclined to act from a purely scientific stand-point without reference to the benefits and wants of the people, while I am talking from that practical stand-point he seems to have lost sight of.

Mr. WIGGINTON. Will the gentleman allow me to ask him a question?

Mr. PATTERSON, of Colorado. Yes, sir; although I have very little time to spare.

Mr. WIGGINTON. What experience have you had in the rectangular and geodetic systems?

Mr. PATTERSON, of Colorado. What experience have I had? Why, sir, I have seen within the past thirty years the States of Ohio, Indiana, Illinois, Michigan, Wisconsin, California, Iowa, and the other great States of the West, with the present rectangular system of surveys supplemented, by our liberal land policy as principal factors, filled with a self-reliant yeomanry, which is the true popular element of a democratic republic. It has broadened the base of our political system by diffusing the proprietary interest in the soil—enlarging the number who have a permanent stake in the preservation of our institutions. Of the geodetic system I know nothing; nor does the gentleman from California. There is no such thing as a geodetic system of land surveys. By a geodetic survey points only can be established. Under it you run no lines, parcel no lands, survey no mineral claims. Your geodetic system is a myth, and no one should know it better than the gentleman from California.

Mr. ATKINS. Will the gentleman allow me to ask him another question?

Mr. PATTERSON, of Colorado. Oh, yes.

Mr. ATKINS. Does the gentleman believe it is for the interest of the Government to have all the waste lands of the country surveyed by the rectangular system? What practical purpose would it subserve?

Mr. PATTERSON, of Colorado. Now let me come to that. I hope the gentleman will give me a few moments above my hour to answer that. I was just coming to that point. It is the very proposition which intensifies my feeling in the question now being discussed.

In Colorado we have a State with a limited number of acres of agricultural lands. So it is in Utah and California and Nevada and most of the Northwestern Territories. But the quantity of agricult-

arid lands by the use of irrigation is far in excess of the gentleman's conception, limited as it is by the information he receives from the reports of Professor Powell touching the arid lands. Sir, while I do not assert that the entire area of arid lands should be at present divided into townships and sections, I have no hesitation in saying that for the whole country no other system can be so profitably and economically applied whenever a demand for such lands will justify the expense.

But to suspend or curtail the rectangular system of surveys for any portion of the next twenty years would be the most cruel blow that could be inflicted upon the States and Territories possessing arid lands. Nor can we now afford to have any system introduced that will enlarge the quantity of land given or sold to any individual. There is a greater necessity for disposing of the public lands in small quantities in such States as Colorado than in those whose entire surface may be readily cultivated. Our agricultural lands, as I said before, are limited, and the number of our population following agricultural pursuits must also be limited. But to have that number as great as possible, to swell it to its maximum, the plan of disposing of the public lands in small tracts—one hundred and sixty acres as the maximum—must be steadily adhered to. Suppose the scheme of the academy, to divide the arid lands into tracts containing from four to five thousand acres and sell them, was adopted, how long do you suppose it would be before every inch of water-front and every acre of tillable land would be in the possession of a few, a very few, grasping and heartless speculators? Colorado and Utah, New Mexico and Wyoming, and all the other Territories would in a few years be filled with baronial estates, with an aristocratic and wealthy few, each owning lands sufficient for a European principality, to the exclusion of that hardy and industrious people who, by tilling their own farms, by owning the small tracts upon which they live, not only produce material wealth but give to the nation the sturdy yeomanry that must be its bulwark in the hour of its supremest danger.

If there are not very grave dangers to be apprehended in the contemplated change, why should the Legislature of Colorado, composed of representatives of every interest and class in the State, solemnly memorialize this body and say to them:

The proposition involved in the recommendation of the National Academy of Sciences, to survey agricultural lands in farms, to suit claimants thereof, instead of the old and regular manner of townships and sections, would inevitably end in confusion and in endless disputes in regard to boundary-lines, and cost far more than the present system of surveys.

Sir, I can see in the proposition only confusion. It will create impediments and raise barriers to emigration and settlement. It will practically shut out the poor men of the country, who, to escape the dark shadow of famine now hovering over so many families in the East, are flocking to the West in search of homes and plenty.

Mr. ATKINS. The very reverse of that is true, in my opinion.

Mr. PATTERSON, of Colorado. The difficulty is, in your opinion is not based upon personal knowledge. If you would but visit that country with your eyes open, if any member of the Committee on Appropriations, before undertaking to interfere with and destroy the very foundation of our future prosperity, would take a trip across the plains, and penetrate into our mountain parks and cañons, and intelligently see and weigh our country, its possibilities and peculiarities, he would come back here with different notions. What is involved in this? Why, sir, the person whose recommendations the Committee on Appropriations are following, says that instead of making grants of forty, eighty, or one hundred and sixty acres to the settler, the great bulk of the lands of Colorado and adjoining Territories should be partitioned into irregular tracts of thousands of acres each and disposed of to purchasers.

Mr. ATKINS. There is no proposition to do that with regard to the agricultural lands; not at all. It is only with regard to the pastoral lands.

Mr. PATTERSON, of Colorado. The difficulty is, much of those lands which some gentlemen are disposed to classify as pastoral, under the stress of population and by means of well-directed labor in the construction of canals and reservoirs, will be made the most productive lands upon the continent. Year by year our area of agricultural lands is widening—the number of agriculturists is increasing. Lands that ten years ago were believed to be wholly barren and without the range of irrigation are now the homes of thrifty farmers and yearly smile in their garb of bountiful harvests. The land and surveying systems by which this grand advance of agriculture has been made must not be interfered with. The people I represent enter their solemn protest, and to-day I but voice their earnest wishes.

In the few moments yet allotted to me I would speak more directly of the imperative necessity of the surveyor-general to the settlers of new States and Territories. I need not recount the advantages they have been to States now surveyed and settled; unless your memories are most treacherous, the very mention of them must bring them to your mind. But on the public domain yet to be surveyed the necessity for them is greater than was ever known before. Take Colorado as an example. At least one-third of its area is mountainous. The highest peaks and grandest cañons of the continent are there. Its surface is threaded by innumerable streams bordered by narrow strips of land that may be cultivated, while all else are mountains—steep, grand, intractable mountains that furnish no food for man save the wild animals that live upon them. Man would never penetrate their

solitude and endure the rigor of their winters and the hardships of their travel were it not that the precious metals are found throughout them, upon the mountain-peaks dipping into impenetrable depths, underlying their parks and hills in horizontal strata extensive as the coal measures of other countries, and mingling with the sands of their streams and the gravel of their hill-sides until their contemplation exhausts the powers of imagination.

These rich deposits are being discovered to-day on one mountain, to-morrow on another; to-day in one cañon, to-morrow in another; to-day in one of our mountain parks, to-morrow in another; to-day in the sands of one mountain stream, to-morrow in those of another. Where to-day, before the discovery, only the solitary prospector and the bear or the mountain goat were the inhabitants, within ninety days there is a thrifty city filled with thousands of the energetic and venturesome of our people in search of the wealth which the earth will yield to their labor. These discoveries bring population to the mountains. It travels over one mountain range in the south of the State this month, over another in the north the next. Instantly every acre of tillable land in the vicinity of these settlements must be utilized. It is essential that their productive capacity should be pushed to their utmost limits. If the surveys are not speedily extended, contention, litigation, and oftentimes bloodshed, follow. The new town-sites must be laid off, the agricultural lands must be divided, mining claims must be marked and their limits fixed. Who will provide the machinery for these surveys in due season? Upon the surveyor-general devolves these duties. He is a sentinel upon the watch-tower. He is in the locality with no dividing responsibilities. He sees the first indications of emigration to these new localities; he knows the lands that will be in demand and can readily, as is his duty, send his corps of surveyors to the spot, and may, as he frequently does, anticipate the settlers with the surveys, or at least he extends them before conflicts of a serious character ensue. Take him from the State, and what confusion and delay and expense must follow. Concentrate all of his duties and responsibilities with those of fifteen other such officers upon one official two thousand miles away from the field of operations, and in addition require this official to superintend the survey of the coast and the geography and topography of the continent, as is proposed in the measure now before us, and it is easy to foretell what will be the fate of the surveys so indispensable to the settlers, and which are so constantly and suddenly demanded in many different and widely separated portions of the country.

Mr. Chairman, I cannot believe that this folly will be committed, even though the National Academy of Sciences may advise it. The men who compose that body may be wise, but in this instance they are only wise in their own conceit. Do not shackle us with their folly; allow the people of the West, and those who may join their fortunes with theirs, that scope and opportunity which our present wise system of land laws afford, and in a few years you will have peopling the vast interior of our country as numerous, thrifty, enterprising, patriotic, and happy a population as is now the boast of the most powerful States of the Union.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. WILLIAMS, of Oregon. I hope the time of the gentleman from Colorado will be extended, as he has been interrupted so much.

Mr. BUTLER. I trust there will be no objection to extending the gentleman's time.

The CHAIRMAN. It is proposed that by unanimous consent the time of the gentleman from Colorado be extended. For how long?

Mr. BUTLER. He says he wishes fifteen minutes.

Mr. BUCKNER. I object.

Mr. WILLIAMS, of Oregon. I ask the gentleman from Missouri to withdraw his objection. The newly settled countries represented so ably by the gentleman from Colorado ought to be fully heard on this subject.

Mr. SPARKS. The question of an extension of time is not debatable.

Mr. BUCKNER. I have no indisposition to hear the gentleman from Colorado or to have this question fully discussed; but the Committee on Appropriations require all the time now at their disposal for getting through their bills.

The CHAIRMAN. Does the gentleman from Missouri insist on his objection?

Mr. BUCKNER. I do.

The Metric System.

SPEECH OF HON. LEVI MAISH,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 27, 1879,

On the bill (H. R. No. 2877) to enable importers to use the metric weights and measures.

Mr. MAISH. Mr. Speaker, in presenting the report of the Committee on Coinage, Weights, and Measures, on the 7th of January last, upon the subject of the metric system of weights and measures, oc-

casian was taken to state briefly the origin and progress of this branch of metrological science and to recommend the adoption of that system.

A revolution in the matter of weights and measures is now making quiet progress. It may be said that we are as a nation in reference to this subject in a transition stage. We have in partial use, without any obligatory law, the metric system, and at the same time in general use the system which has heretofore prevailed. The latter is the perplexing medley handed down to us from the mother country, which is rapidly being supplanted by the metric system. The prompt introduction of this system is delayed only by the prejudices of education and the natural disposition to oppose innovation.

In several branches of the Government, such as the Coast Survey and the Medical Purveyor's Office, it is in successful operation. In order still further to encourage the adoption of the system the Committee on Coinage, Weights, and Measures directed me to report the following bill:

A bill to enable importers to use the metric weights and measures.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the *ad quantum* duties upon all articles imported from foreign countries which are invoiced according to the weights and measures of the metric system shall be levied, collected, and paid at rates appropriate to the weights and measures of said system; that is to say:

The rate per gram shall be 3.5 per cent. of the rate per ounce avoirdupois, or 3.2 per cent. of the rate per ounce troy.

The rate per kilogram shall be two and two-tenths times the rate per pound.

The rate per metric ton shall be twenty-two times the rate per hundred pounds, or nineteen and six-tenths times the rate per hundred and twelve pounds, or 98 per cent. of the rate per twenty-two hundred and forty pounds.

The rate per lineal meter shall be 109 per centum of the rate per lineal yard.

The rate per square meter shall be 119 per cent. of the rate per square yard, or ten and seven-tenths times the rate per square foot.

The rate per hundred square meters shall be 107 per cent. of the rate per thousand square feet.

The rate per liter shall be 26 per cent. of the rate per gallon.

The rate per hectoliter shall be two and eight-tenths times the rate per bushel.

The rate per cubic meter shall be one and three-tenths times the rate per cubic yard, or thirty-five times the rate per cubic foot: *Provided*, That when by any provision of law the duties which are to be levied, collected, and paid shall be more or less than the duties and rates imposed in the statutory schedule, such provision of law shall be applied in the calculation of the rate to be imposed on the metric denomination: *And provided further*, That when the calculated rate exceeds \$1, the fraction of a cent, if any, shall be rejected; when it exceeds ten cents, the fraction of a mill, if any, shall be rejected; and in all cases a fraction of less than one-tenth of a mill shall be rejected.

Sec. 2. That the quantity of weight, gauge, or measure stated in the return of any weigher, gauger, or measurer employed in the service of the customs revenue may be stated in metric denominations; and, if not so stated, shall be reducible to such denominations according to the equivalents set forth in section 3570 of the Revised Statutes.

The bill authorizes importers to use the metric system, and it offers an inducement to them to do so by giving them the advantage of the slight difference made in favor of the metric system, for the purpose of avoiding the use of awkward fractions which would result from using the table of equivalents set forth in the Revised Statutes.

The following table shows the true equivalents side by side with the approximate equivalents contained in the bill:

Metric denomination.	Approximate equivalent.	True equiva- lent as giv- en in Revis- ed Statutes.	
Gram.....	ounce avoirdupois.	.035	.03527
Gram.....	ounce troy.	.032	.03215
Kilogram.....	pounds	2.200	2.20460
Metric ton.....	times 100 pounds.	22.000	22.04600
Metric ton.....	times 112 pounds.	19.600	19.68400
Metric ton.....	times 2,240 pounds	.980	.98420
Meter.....	yard	1.090	1.09360
Square meter.....	square yard.	1.190	1.19600
Square meter.....	square feet	10.760	10.76400
One hundred square meters.....	M square feet	1.070	1.07640
Liter.....	gallon.	.260	.26417
Hectoliter.....	bushels.	2.800	2.83750
Cubic meter.....	cubic yard.	1.300	1.30800
Cubic meter.....	cubic feet.	35.000	35.31600

I introduced a bill in Congress making the use of the metric system obligatory in the custom-houses and post-offices of the country. The committee, however, thought this would be too great a stride to make at once toward the adoption of the new system. An effort afterward made to limit it to the custom-houses alone, with the provision that the system should become obligatory only after the expiration of three years, received scarcely more favor. The bill now reported by me, I think, would have had the effect to advance the system materially. It was, however, not as much aid as the friends of the metric system had a right to expect from this Congress. I am sure this bill would have encountered little if any opposition, but, although we did not ask for much, we had the mortification of seeing legislation of far less relative importance receive the attention which should have been bestowed upon this measure.

In November, 1877, Mr. CLARK, of Missouri, offered a resolution in the House of Representatives asking the heads of the various Executive Departments of the Government to report to the House "what objections, if any, there are to making obligatory in all governmental

transactions the metrical system of weights and measures, whose use has been authorized in the United States by act of Congress, and also how long a preliminary notice should be given before such obligatory use can be introduced without detriment to the public service; and that they are also requested to state what objections there are, if any, to making the metrical system obligatory in all transactions between individuals, and what is the earliest date that can be set for the obligatory use of the metrical system throughout the United States."

Replies were received from the Executive Departments and also from most of the bureaus of the Government. Many of these are full of interest and contain much valuable information. As a whole, they show that the officials of the Government are not inimical to this system; although I am sorry to say that a few of the officers do not display that enlightened spirit that could reasonably have been expected from them. It is difficult to conjecture in some instances what prompted the objections that were urged; but certainly we have not found in them anything which cannot be readily refuted, and in point of fact such as were made have been answered long ago. I am not willing to believe that any serious obstacle can exist to the exchange of the system of weights and measures which we now have for one so rational and methodical as the metric system.

Possibly there are persons who would prefer a system of weights and measures whose units have no more certain foundation than the length of certain members of the human body and the staple cereals.

The English system, from which we derive our own, makes three barleycorns an inch or "thumb-breadth," and four inches of the measure makes the horse-jockey's "hand." Twelve of them make his "foot," and thirty-six inches, or three feet, make a yard, or girth. Seventy-two inches make a fathom, which is the length of the outstretched arms of an ordinary man.

In the old English statutes it is enacted that an "English penny shall weigh thirty-two grains of wheat well dried and gathered out of the middle of the ear, and that twenty pennyweights make an ounce, and twelve ounces a pound, and eight pounds a gallon of wine, and eight gallons of wine a bushel of London, which is the English of a quarter," and further "that the ounce of medicine consists of twenty pennyweights and the pound contains twelve ounces;" and in another case the pound contains fifteen ounces. Upon these crude beginnings rests the foundation of our present system of weights and measures.

It requires but a glance at these to see how utterly devoid our system is of method. It is true many modifications and improvements have been made during the past two or three hundred years. In England to-day a silver penny weighs a little more than seven grains. The table says "four grains make one pennyweight." The ounce of medicine in use still is one-twelfth of a pound troy, but in most other things the pound now contains sixteen ounces avoirdupois weight.

The United States liquid gallon has nothing to do with the United States bushel. The old beer gallon held about eight pounds avoirdupois—not beer, but wheat. The bushel of wheat is now fixed at sixty pounds throughout the greater part of this country; but the bushel of oats and the bushel of barley have each six or eight different values.

The different cereals in the different States and Territories have forty different weights for the legal bushel.

In Indiana a bushel of coal mined in the State contains seventy pounds; but a bushel mined outside of the State and sold within it must contain eighty pounds. I could prolong these comparisons and show how heterogeneous and unmethodical this important matter of weights and measures is in this country.

That this system should have been tolerated so long without having been improved more than it has been must strike one with astonishment. The ancients had better systems than ours, and we are told by Layard that the Assyrians some three thousand years ago had a system of weights and measures almost as philosophical and methodical as the French metric system, all the units of surface, volume, and weight being derived from a single linear unit. The base of the system was the cubit, or elbow, equal to 20.67 of our inches. These cubits multiplied by 360 gave the *stadium* measure for great distances. The fundamental unit of surface was the square foot, (the foot being equal to three-fifths of a cubit.)

A cubic foot constituted a *metreta*, (bushel,) which, with its subdivisions, was a standard of all measures of capacity. A *metreta* of water was the talent, the unit of all measures of weight. The sixtieth part of the *metreta* gave the "mine," and this divided into sixty parts gave the drachm. The weight of the *metreta* (or bushel of water) was about 70 pounds avoirdupois, and of the "mine" was about 18.7 ounces. The weight of the drachm was about 159 grains.

It has been urged as one objection to this metric system that it would necessitate the change of the permanent records of real estate transactions and open the door to mistakes and fraud.

This is no valid objection, for I see no occasion for changing or discarding the original records; the old records, if necessary, could easily be converted into the new and *vice versa*, but the old records need not therefore be disturbed. In New England surveys were formerly made in chains and links, but it is now the common custom to use feet and decimals. Yet the records remain, and at those rare intervals when they have to refer to them they can translate the dimensions from one to the other with perfect confidence in their accuracy.

Major Powell, in his reply to the resolution of the House, says:

Its introduction [the metric system] will but slightly inconvenience the people at large, for the measurement of land is practically relegated to skilled persons, such as engineers and surveyors, and the conveyancing of lands to persons skilled in that branch of the business.

At the meeting of the international congress of weights, measures, and coins, held at Paris last September, while the members adopted a resolution of congratulation upon the general progress made in the introduction of the metric system, they regretted that Great Britain, Russia, and the United States had not done more to promote its adoption. On the strength of this the delegates from England and the United States met together in committee and passed a resolution that their respective governments should be requested to appoint a mixed commission, to meet as soon as possible, to draw up some plan of legislation by which the metric system could be adopted by these two nations. Colonel J. T. Smith, of England, and Mr. Nathan Appleton, of the United States, were requested to transmit this resolution to their respective governments; which has been done. It will be seen, therefore, that the matter has been made a subject of international conference.

Our neighbors on this continent, with the exception of Canada, with whom we have intimate commercial relations all have this system in use.

In the item of computations alone an immense saving would be effected. From a careful estimate made it was ascertained that in the computations of a single railroad company \$50,000 would be saved annually by the use of the metric system. A proportional saving would of course result in all cases where mathematical calculations are in any way used.

The American Metric Bureau of Boston makes the following statements with regard to the educational phase of the question:

Large committees of our ablest teachers, after full examination, have reported that the complete introduction of the metric weights and measures, now making so rapid progress in this country, would save a full year of the school life of every child.

In spite of all the efforts that are made in the cause of popular education, illiteracy is increasing faster than our population. The year saved would be enough to turn the scale. In a country depending for the safety of its free institutions upon the education of the people these facts are of the most serious importance.

Hon. James Yates, (an Englishman,) after protracted inquiry and investigations in the schools and among those best able to judge of the matter, reported that the complete adoption of the decimal, in place of the present English weights and measures, would save two full years in the school life of every child educated. In our country the saving would be something less, because of our adoption of the decimal currency; but the most conservative teachers acknowledge that something like this amount of time would be saved each child if our present confusion of measures were entirely replaced by the international or metric system. Regardless of the much greater commercial and international claims of the new system, it is certainly one of the most prominent educational questions now before the people.

We are a member of a family of nations. It is to our interest to have free and easy intercourse with other nations. Isolation is commercial ruin. Our present absurd system of weights and measures is a real obstruction. Weights and measures, being the means by which commodities are estimated and exchanged, constitute our commercial language. This language must be understood by those with whom we have commercial intercourse. In like manner must we understand the system used by them. The use of the present system involves much unnecessary labor. This surplus labor applied to something productive would greatly add to our wealth and resources. It is by no means improbable that the statement so often made is correct, that the amount which would be saved by the introduction of this system would be sufficient to pay the interest on the national debt.

It is a subject more important far than many of those that usually receive the attention of our statesmen. It has unfortunately not occupied space enough in the eyes of the people to make it an attractive subject for politicians. It is, however, incomparably more important than the questions that usually occupy the attention of Congress. It is not a question of a day, an idle thing of the moment, but reaches far out into the future of the country; and in the facilities it would create for commercial intercourse, the time and labor it would save in the innumerable pursuits of life, its benefits are incalculable.

Richardson vs. Rainey.

SPEECH OF HON. J. R. CHALMERS, OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 27, 1879.

On the contested-election case of Richardson vs. Rainey, from the first congressional district of South Carolina.

Mr. CHALMERS. Mr. Speaker, I shall leave the discussion of the facts in this case to the gentlemen of the Committee of Elections and the members from South Carolina, and address myself more particularly to the unwarranted assumption that negroes are all republicans and that their suffrage is suppressed in the South.

I have been twice elected from the sixth district of Mississippi,

and the last time almost without opposition; and as my election has been referred to as an impossibility, I deem it due to myself and my district to reply. The origin and purpose of negro suffrage, although but recently adopted into our elective system, seem already to have been forgotten by many, and I have been astonished to see how much ignorance or willful misrepresentation is constantly exhibited on this subject. Such leaders as Mr. Lincoln and Senator Morton made early and earnest protests against negro suffrage, and all the better-informed negroes understand that the fifteenth amendment was adopted, not to benefit the negro, but to swell the power of the republican party. And now that it has failed to accomplish that purpose, the same party would repeal it to-day if they could. I said to the negroes in the canvass of 1876 that it would not be long before the democrats of the South would be defending their right of suffrage against the republicans of the North, who would be attempting to take it away from them; but the time has come sooner than I expected it. General Grant initiated the movement when he recommended in his message to Congress that suffrage should be limited by educational qualifications. The gentleman from Maine [Mr. FRYE] uttered the honest sentiments of his party last session in the Dean vs. Field case when, speaking of negro suffrage, he said: "I sometimes wish we had not given it, because to-day it is putting increased power into the hands of the South and none into the hands of colored men." And now the gentleman from California [Mr. PAGE] proposes by act of Congress to declare all the negroes of South Carolina disfranchised. As the representative of a colored district, in the name of my constituents I must protest against this revolutionary movement of these rebellious republicans. While I have been astonished at others, I was still more astonished at the message of the President. He tells us that the amendments which gave suffrage to the negro gave increased representation to the South, and that we were therefore bound in honor and good faith to see this suffrage fairly exercised, and this he asserts we have not done. I maintain that in Mississippi this suffrage is fairly exercised; but the statement of the message as to our increased suffrage, to say the least of it, shows an ignorance on the subject lamentable in the President of the United States.

The amendments to the Constitution which gave suffrage to the negro tended to cut off rather than increase the representative power of the South. Under the old Constitution free negroes were enumerated everywhere as a basis of representation, and the moment the slave was emancipated the representative power of the South was increased. Under the old Constitution the white men of the North absolutely cast the ballot for the free negroes of the North, who were not permitted to vote, and the moment the slaves were emancipated the white men of the South were equally entitled to cast absolutely the ballot for the free negroes of the South. But to prevent this the republican party commenced at once to tinker with the old Constitution, and passed the fourteenth amendment, which was the most insidious blow ever struck at the southern people. The man who drew it understood well the southern character, and knew that the white men of the South would prefer a reduction of their representation to the enfranchising of their former slaves. It was an artifice of cruel refinement to make the South her own executioner, and if that amendment had been permitted to stand unaltered the power of the South would have been weakened forever. But the republican party "in its vaulting ambition o'erleaped itself." The carpet-bag harpies who spread over the South saw it was a goodly land to be plundered, and they persuaded their file-leaders in Congress to adopt the fifteenth amendment that they through the aid of negro suffrage might rule over the South as a conquered province. If the President had remembered the history of these amendments he would scarcely have made the mistake in his message, and he would have had no foundation for his charge of bad faith against the South in regard to them. A presidential aspirant from Maine, with more adroitness, insinuates, but does not assert, that thirty-five electoral votes have been conferred upon the South by reason of negro suffrage, and that "the democratic party had seized and appropriated it to its own power" by refusing to allow the negro to vote. He knew that it was emancipation and not enfranchisement of the negro that added representative strength to the South, and that if thirty-five electoral votes are accorded to the South on account of the negro population only two-fifths of that strength was conferred by emancipation. The South had three-fifths of the same strength in the days of slavery, and then as now the republican party denounced the Constitution because it gave more political power to the white men of the South than to the white men of the North, and the passions of the North were then appealed to because in this Government, which they then said was a white man's government, made by white men, and for white men, "five black slaves were counted the equals of three free-born white men." And the same cry was again heard when the great leader of Maine quoted the answer of Macanlay to O'Connor in tragic style, and told us that the confederate soldier of the South who fought to destroy might be the equal, but should not be more than the equal, of the white Union soldier of the North who fought to sustain the Union. To prevent this threatened calamity he and his party propose to strike the black Union soldier of the South, not only from enfranchisement, but from representation in the Union. This he can never do without changing or violating the constitutional amendment which he contributed largely to enact. He demands a reduction of southern representation because, as he alleges, negroes are intimidated from voting

or made to vote against their sentiments by the whites of the South. This can not be accomplished except by what I consider a perversion of the Constitution of the United States. Under section 2, article 1 of the Constitution, two things are provided: 1. That the States shall decide who shall be voters for President, Vice-President, and members of Congress. 2. That the basis of representation shall be determined by adding three-fifths of all other persons, meaning the slaves, to the whole number of free citizens, excluding Indians not taxed. The fourteenth amendment repealed so much of said second section of article 1 as established the basis of representation and declared that in any State wherein voters were excluded for any cause except crime or rebellion the representation should be reduced, and prescribed a rule for this reduction. But this amendment recognized the full power of the State to determine who should and who should not vote.

The fifteenth amendment repealed so much of section 2, article 1, as reserved to the State the right to exclude negroes from voting and repealed the fourteenth amendment, at least so far as any reduction of representation can be predicated on the exclusion of negro voters, because the two are repugnant to each other.

The fourteenth amendment admits the power of a State to exclude negroes from voting and prescribes a rule for reducing its representation in proportion to the exclusion of voters that may be made. The fifteenth amendment takes from the State this power to exclude negroes from voting, and this power being taken away the reduction of representation which was to follow the exercise of that power is necessarily prevented. And yet the republican party, planting themselves upon the fourteenth amendment which they repealed, or at least rendered nugatory for their present purposes, are preparing to investigate South Carolina in order to reduce her representation on the plea that negroes there are excluded from voting. If South Carolina or any other State has denied or abridged the right of the negro to vote its act was unconstitutional and void, and those who propose to base congressional laws on such action propose to sanction an illegal proceeding. And yet the gentleman from California [Mr. PAGE] has introduced a bill which recognizes the power of South Carolina to disfranchise negroes, which ratifies the illegal action by an act of Congress and proceeds to reduce the representation of the State accordingly. Here we see the cloven foot of the republican party, ready to crush the right of the negro when he is no longer of use to them. They not only abandon him to the tender mercies of the bull-dozers, but they rush in to complete his disfranchisement and attempt to make party profit out of the transaction. Sir, after all the professions of love by the republican party for the negro the trade of body-snatchers is scarcely more disgraceful. The aspirant from Maine well said "the issue presented is not one of mere sentiment for the negro," and he might have said the issue is the success of the republican party. Every well-informed negro understands that fully. He knows the negro was not received as a soldier until necessity compelled it; that the black soldier was not paid the same as the white until shame required it; that the negro was not enfranchised until carpet-bag greed suggested it; and that the fabulous accounts of his wrongs and outrages were never published until republican success demanded it. The negroes of my district at least understand it. They know too that before the fifteenth amendment was adopted, before, in other words, the republican party would trust the negro with the full power of the ballot, an experiment of negro suffrage was made in Louisiana and Mississippi under the reconstruction laws to see if the negro would vote the republican ticket. The experiment was satisfactory and the fifteenth amendment was adopted. It was then expected and believed that about five hundred carpet-baggers and scalawags in Mississippi, for instance, would cast the votes of about ninety thousand negroes, and for a time they did. No master was ever more implicitly obeyed in the days of slavery than were the carpet-bag leaders of county politics. It was all lovely then, and we heard no complaint about white men casting the votes of the negroes. But soon the negroes claimed a division of the offices and became candidates before conventions. The carpet-baggers by bribery and corruption cheated the negro leaders out of the nominations for prominent offices and then the trouble began.

James Lynch, once secretary of state of Mississippi, and said to have been one of the most eloquent speakers, white or colored, who ever lived in the State, was beaten by a carpet-bagger out of the nomination for Congress, to the great disgust of his friends. Davis, afterward lieutenant-governor, was beaten in the same way in his district; and in the second district, at one time a negro was being complimented with votes, and actually received the requisite number for nomination, when a carpet-bagger changed his vote and defeated him. These nominations were all controlled by money, and created great disaffection in the minds of the leading negroes. But the crisis came when the present United States Senator BRUCE, of Mississippi, was a candidate for nomination. He was one of the most intelligent, deserving, and popular men of his race in the State. As a sheriff of Bolivar County he gave satisfaction to all parties, and the democrats sustained him in his last race and made his official bond for him in a very large amount. He held this lucrative office for four years; and when the contest for United States Senator came on he had both friends and money, and they could not swindle him. He was nominated over a number of aspiring carpet-baggers, with the aid and assistance of Governor Ames, and then the party in Mississippi

became completely demoralized. The disaffection of Alcorn and Powers had previously created some dissensions in the ranks, but now the mutiny became general. Some of the most intimate friends of Governor Ames turned against him and told of his celebrated caucus speech in which he encouraged the riot at Vicksburg, and of his declaration that "the blood of twenty-five negroes would strengthen the republican party." One, who had been his most active supporter and the chief opponent of Senator BRUCE, united with the democratic party and was elected to Congress, and the democracy and its allies triumphed all over the State.

This was the celebrated election in 1875, in which it was charged that we had carried the State by fraud, intimidation, and murder, just as is now charged against South Carolina democrats, and which was thoroughly investigated by "Boutwell's smelling committee," as we called it in Mississippi. I here call attention to an account given of this election by a colored man of my district, and the first who ever sat in the United States Senate. No democrat could make a better answer to the false charges of the republican party.

HOLLY SPRINGS, MISS., November 6, 1875.

MY DEAR SIR: In view of the results of the recent election in our State, I have determined to write you a letter canvassing the situation and giving you my views thereon. I will premise by saying that I am no politician, though having been honored by a seat in the United States Senate. I never have sought political preferment, nor do I ask it now, but am engaged in my calling—the ministry—and feeling an earnest desire for the welfare of all the people, irrespective of race or color, I have deemed it advisable to submit to you for consideration a few thoughts in regard to the political situation in this State.

Since reconstruction the masses of my people have been, as it were, enslaved in mind by unprincipled adventurers, who, caring nothing for country, were willing to stoop to anything, no matter how infamous, to secure power to themselves and perpetuate it.

In almost every instance these men who have aided us have been cried down by the so-called republican officials in power in the State. My people have been told by these schemers, when men were placed upon the ticket who were notoriously corrupt and dishonest, that they must vote for them; that the salvation of the party depended upon it; that the man who scratched a ticket was not a republican. This is only one of the many means these unprincipled demagogues have devised to perpetuate the intellectual bondage of my people. To defeat this policy at the late election, men irrespective of race, color, or party affiliation, united and voted together against men known to be incompetent and dishonest. I cannot recognize, nor do the masses of my people who read recognize, the majority of the officials who have been in power for the past two years as republicans. We do not believe that republicanism means corruption, theft, and embezzlement. These three offenses have been prevalent among a great portion of our office-holders; to them must be attributed the defeat of the republican party in the State, if defeat there was; but I, with all the lights before me, look upon it as an uprising of the people, the whole people, to crush out corrupt rings and men from power.

H. R. REVELS.

To his Excellency U. S. GRANT,
President of the United States.

This corrupt nest of republican officials, so ably described by ex-Senator Revels, was broken up and all the corrupt State officers driven out by impeachment when the democratic Legislature met. It was charged that we impeached them, not for crime, but simply because they were republicans. To show the falsity of this charge I state that the secretary of state, the auditor of public accounts, and the superintendent of the lunatic asylum; representing as they did the three branches of republicans—negro, carpet-bagger, and scalawag—were honest and competent officers and were not disturbed.

The State from governor down was then thoroughly reorganized and we went into the canvass of 1876 under democratic rule. This brings us to the election in 1876, in the sixth district of Mississippi, (which in the refined vulgarity of a republican leader has been recently stigmatized as "the whip-lash district,") when I was elected over John R. Lynch. This election has been denounced by the republican press as the most flagrant instance of fraud and intimidation in the South. I have not felt called on to notice these slanderous charges when made by irresponsible parties, but a distinguished candidate for the Presidency from Maine, who vainly hopes to seduce the negro votes from General Grant to himself in the next presidential convention, in a speech recently delivered has seen fit to point at me by name, to characterize my election as an impossibility, and to select my district as a remarkable instance of the suppression of negro suffrage. He said: "I am asked to believe miracles; that in a night—in the twinkling of an eye—more quickly than Saul was converted on his road to Damascus, vast bodies of colored voters were turned right over from the republican into the democratic fold;" and at the same time he paid a handsome compliment to my competitor Mr. Lynch. He was exceedingly unfortunate in his statement of facts. If he had informed himself as he should he would have found that the conversion of the negroes in this district has been gradual and continued, and that the good work still goes on as the negroes become tax-payers and advance in political knowledge. In 1872 Grant carried the district by a very large majority, but about that time the split in the party began. Warren had been the banner county of the party in that district, and I show first the change in it: In 1872 Warren County gave Grant 3,425 majority; in 1873, in the Ames and Alcorn split, it gave Ames only 239 majority. In 1874 the democrats made a grand rally and carried the city of Vicksburg, the county-seat of Warren County, by 400 majority. In 1875 the democrats elected their State ticket, two senators, and three members of the Legislature, and the republicans two colored members. In 1876 we carried the county by 1,420 majority. In 1877 the whole democratic ticket carried it by a large majority. In 1878, owing, as I believe, to the ap-

propriation obtained to save the harbor of Vicksburg I lost only ten votes in the whole county.

The history of the district is almost the same. The counties which compose the district—it was not organized until 1876—in 1872 gave Grant 18,030 majority; in 1873 gave Ames over Alcorn 10,650 majority; in 1875 gave Buchanan (republican) over Hemingway (democrat) for State treasurer, 6,538 majority. This was the condition of affairs, a constantly increasing democratic strength, when I became a candidate. I was elected in 1876 by 4,600 majority, but beaten in four counties. I was re-elected in 1878 and carried every county of the district but one.

If there is anything instantaneous or miraculous in this conversion of the district, I am unable to see it. The gentleman was certainly unfortunate in his Saul and Damascus illustration. It is to be hoped he may be more fortunate in his compliments, and that Lynch may be solid for BLAINE in the next republican convention for President. But, Mr. Chairman, there was another transaction, not many years since, which reminds me somewhat of Saul on his road to Damascus. There was once a committee investigating a certain charge of fraud and corruption, and there was a certain witness bearing letters of great value to the cause of truth, when a modern Saul, "breathing out threatenings" against the investigators, fell upon the witness and did despoil him of his letters; and as he went on his way, considering how he might still further suppress the truth and persecute the investigators thereof, he fell suddenly by the wayside under the finger of God. And when he awoke it is said that he was exceeding penitent, and did beg the investigators to cease, and that he became so thoroughly converted to the cause of investigation that he now seeks to change his title from leader of "The Mulligan Guards" to the great American investigator. I have no hope of convincing him nor those who have prejudged the case; but for the benefit of those who are unprejudiced and open to conviction, I will state briefly some facts connected with my canvass. The negroes, as is well known, were largely in the majority in the district, though, as I have just shown, the democrats were steadily winning the negro vote. The negro republicans, having had frequent experience of the bribery, corruption, and unfairness of their carpet-bag brethren in conventions, took control of affairs in this district and nominated one of their own color. Many of the white republican leaders were dissatisfied with this treatment, and openly said, "If the negroes think they can manage this district without us, let them try it." It was a new district, a long district, and one difficult to organize, because there were local splits in the republican party in almost every county. The white leaders took no interest in the election. Most of them quietly voted for me upon personal grounds, and some of them openly canvassed and carried their counties for me. This was notably true in Tunica County, where all the leading republicans canvassed for me—where Hayes beat Tilden eleven hundred votes and I beat Lynch about five hundred—showing that the negroes not only voted, but voted as they saw fit. The loyal leagues had taught the negroes not to attend democratic meetings. To overcome these instructions and obtain a hearing, we had splendid barbecues, to which the negroes were freely invited; we had band-wagons, painted red, white, and blue; we had negro musicians, as well as white, who played on all manner of instruments; we dressed our followers, white and black, in shirts of flaming red flannel, to attract the attention and admiration of the colored men; we carried the Star-Spangled Banner, and we made the welkin ring with our artillery and shouts. One of the most exciting scenes I ever witnessed was a democratic meeting, where we had about fifteen hundred men on horseback—and a large number of them colored—with their red shirts blazing in the sun, with banners flying, with brass bands playing, drums beating, men shouting, and cannon roaring. It concluded with a band of colored minstrels singing, to the intense delight of their colored brethren, "The Carpet-Bagger's Lament," to the tune of "Old Rosin the Bow."

The words ran thus:

I have traveled this country all over,
And now to another must go,
Where the niggers are easier swindled
And less of my lying do know.

I came from the cold frosty region,
The land of the ice and the snow;
I came with my carpet-bag empty,
But now 'tis quite full, as you know.

At home I was ragged and dirty—
I left when the sun had got low—
But I soon made a rise in this country,
When I got in the Freedman's Bureau.

I told how I shouldered my musket
And fought for the poor old negro;
How I hated the secesh and rebels,
And told them to hate them also.

I swore them at night by dark lanterns,
In the league we call loyal, you know,
And made them believe if they left it
Straight down to the devil they'd go.

I promised that land we would give them
Of acres quite forty or more,
With a mule fat and ready to work it;
That caught the fool-nigger, be sure.

We got every office we wanted,
We threw the poor darkies a bone;
We robbed and we stole without fearing
For Grant would let us alone.

That mournful fact speech of old Greeley
Struck us the first heavy blow;
Now the niggers, confound them, want office—
Where shall we carpet-baggers go?

I see that more trouble is coming;
The mule and the land I can't show;
So, like many a swindler before me,
I must pack up my stealings and go.

This gave us an audience of willing listeners and enabled us to expose before the negro the unjust and treacherous conduct of the republican party toward his race.

We demonstrated to them that we had never engaged in the slave-trade, and that no southern man had ever enslaved a man who was free; that we had bought them when they had been enslaved by others and paid our money for them. We showed them that the ancestors of republicans had sold them to us from slave-ships before the war, and that after the war, when they were free, when planters wanted hands for their plantations, they went to Memphis and other places where negro soldiers were being discharged and bought them at from five to ten dollars a head from the Freedman's Bureau officers. These officers not only put them under contract, but compelled them to abide by it, and on one occasion in my district a negro who attempted to run away from his contract was not only caught and brought back, but whipped by the bureau officer. We showed them that the new constitution of Mississippi contained a clause made expressly for their benefit which provided that all persons living together as man and wife on the day of its adoption should be considered married and their children legitimate. But when radical clerks came into power they summoned all the negroes, old and young, some who had been living together for thirty years as man and wife, and compelled them to take out marriage licenses at \$3 apiece and be married over again under threat of prosecution for adultery. We showed how the republican legislators had robbed the State; how they had stolen a large portion of the school funds to pay their own salaries and wasted much of the remainder in paying extravagant salaries to school superintendents and teachers who were mere political wire-pullers in the different counties. We pointed to the Freedman's Bank swindle, where the credulity, the loyalty, and the religion of the negroes were prostituted to rob him of his hard-earned savings.

The honest and intelligent portion of the negroes who were not political aspirants listened and were convinced that it was their best interest to join the democratic party. The most fearful argument which the republicans had used, as Senator Revels says, to enslave the minds of his race, was that the democrats, if successful, would break up the free schools and return the negro to slavery. When this spell was broken its falsehood recoiled on the heads of its inventors. When the negroes of Mississippi saw that they were as free under democratic as under republican rule; that the school facilities were increased; that the school funds were honestly appropriated to the education of children and not to the salaries of superintendents and political teachers; when the taxes were reduced, when good government was restored, when the feeling of hate engendered by carpet-bag teachings gave place to the old kindly feeling between the races, a large number of them sustained the democratic candidates for office. And you cannot again draw them from us, for the negro, more perhaps than any other voter, delights to be on the side that wins at home.

A state of things existed in South Carolina similar to that which had existed in Mississippi, but ten times worse, because the want of credit in Mississippi had saved her from much of the speculation and corruption which South Carolina had endured. The condition of affairs in that State is so vividly described in the able and eloquent report of the majority of the Committee on Elections that I borrow its language:

Under the reconstruction acts a band of adventurers, pandering to the passions and prejudices of the colored race, representing, or professing to represent, both the Government of the United States and the republican party; the one having devised the idea of the freedom of the negro, and the other having enforced the idea, inflaming the minds and hearts of the colored race—a race long in bondage and unused to political thought and action, and not wise enough to see that the wily adventurers were using them for their own base ends, succeeded in getting possession of every department of the government of unhappy South Carolina. Then began the sickening scenes of that régime of theft and robbery, that period of misrule and plunder which constitute in our history its saddest picture.

Under the new régime, a mob of men assembled as a Legislature, the individuals composing which, with a few exceptions, were unable to read or write, corrupt at heart, intent only upon such legislation as would afford them plunder, imposing upon the people writs of confiscation under the name of taxation, selling their legislative votes and influence as coolly as the tradesman barter his wares, deaf to every interest of the stricken State, heedless of the protestations of the tax-payers and property-owners, callous and careless of every voice and interest save the voice of avarice and the interest of their insatiate greed.

Under these circumstances the democracy of the prostrate State, aided by some of the best men, white and black, who had before belonged to the republican party, determined to free themselves from such Egyptian bondage. They selected as their standard-bearer a gentleman and a soldier, whose name in South Carolina was the synonym of everything that was honest, noble, and heroic in man—the grandson of a renowned revolutionary sire, whose achievements

had surpassed the fame of his illustrious ancestor, nurtured in wealth, polished by education, refined in the crucible of life, possessing a manly beauty rarely equaled in our race, wherever he appeared, whether on horseback at the head of a triumphal procession or on the hustings to address the people, his noble form awakened a shout of applause that made the thieving carpet-bagger tremble and rallied the negroes to his support. The fires of hope were kindled in the breast of a despairing people from the mountains to the sea-board; for weeks and months men abandoned all work and followed their beloved chieftain as he passed in triumph through the State. This was the insurrection which republicanism feared. It was to check this tide of enthusiasm that was sweeping with resistless power over the State, that the false proclamation of a carpet-bag governor was issued declaring South Carolina in a state of insurrection. That it was false is shown by the testimony of the republican chief-justice and four circuit judges of the State. This proclamation was issued on the 7th of October, 1876. Nine days afterward General Ruger, commanding the United States forces in South Carolina, telegraphed the President that all was quiet in the State, and added: "If I need more troops I will send you a dispatch telling you I need them." No such dispatch was sent, and yet the President, on the 17th of October, issued his proclamation declaring South Carolina in a state of insurrection, and on the same day, before the time named in the proclamation for the pretended insurgents to disperse, the Secretary of War ordered troops to be sent to South Carolina. When they landed they found no rebellion or insurrection to suppress, no enemy to meet, and yet the troops were not returned, nor were they held together by their commanding officer to meet an expected foe, but they were at once broken up into small squads, and at the dictation of republican leaders distributed at the election precincts in the first district, where, like Oakes Ames's money among the Christian statesmen, it was supposed they would "do the most good." It is now admitted that the only insurrection complained of was the political demonstrations made by the democratic party in their red shirts and rifle clubs. These demonstrations, it is said, terrified and intimidated the republican voters, and hence the United States Army was brought in as a counteracting demonstration of republican force. This brings the question squarely before the American people whether an election can be permitted to stand where the Army of the United States, under pretense of insurrection or any other false pretense, has been used by the Administration in power to support its own or intimidate the opposite party in an election, or where it has been used, as the minority report mildly puts it, "as a police force," that its own party might "take courage to enjoy their highest privilege and right." If it may do this, it may send its money-bags into any State and say to those threatened with discharge from employment, "Take courage to enjoy your highest privilege, and if discharged the Government will employ you at better wages." If that doctrine be established we need only the man and the hour when consolidated despotism shall be fastened on us forever. But the minority report attempts to treat it as a light matter and sets up the miserable and pitiful defense "that it is not alleged that the soldiers did anything to influence the election." I care not whether they did any overt act or not. The crime against liberty consists in sending troops into a State, not to meet an enemy, not to suppress insurrection, but to be distributed at election precincts at the bidding of one party against another.

But the gentleman from New York [Mr. LAPHAM] last session boasted of the influence which the troops had upon the election and said "the desperate men who had resolved to carry out the Mississippi plan in that State to make as much exhibition of power as they could and awe the colored voters into a submission to their will quailed at the presence of 'the boys in blue.'" The minority report itself admits with a sneer the influence of the troops, and says "we grant their presence emboldened the heretofore despairing black man to dare to exercise a freedman's right and vote his choice." The counsel for the sitting member was more honest and frank in his admissions. He admits that the very presence of the troops changed the minds of negroes who on account of "a ruinous and corrupt administration" had "promised to vote with the democrats." He says, page 62 of his brief:

The campaign of 1876 was a contest between the intelligence, character, and property of the State on one side, and a ruinous and corrupt administration on the other. The interests at stake were so obvious that great numbers of the colored people hesitated, decided to abandon their party, and promised to vote with the democrats. But the sending of troops into the State made them aware that the great republican party of the North and the Administration did not sympathize with the democratic movement, thought it dangerous for the colored people and threatening to the national supremacy of the republican party, and under this influence the vacillating body of colored voters went back to their party allegiance.

According to this admission it was "the democratic movement," not insurrection, that "was threatening," and this movement was not threatening to the Union nor the laws of South Carolina, which alone could justify this Federal invasion of a State, but "threatening to the national supremacy of the republican party." That was the truth, the whole truth, and nothing but the truth. When Chamberlain proclaimed South Carolina in a state of insurrection it was false and he knew it was false. When the President proclaimed the same thing it was in the face of General Ruger's dispatch that he needed no troops, and when the Secretary of War, in hot haste, ordered troops into South Carolina, it was a willful and unlawful use of the Army for political partisan purposes. If this had not occurred in

the hated South, where opposition to the Administration is construed into opposition to the Union, it would have shaken the Government to its very foundation. I ask, then, shall American freemen submit to what British subjects refused to allow? And will a democratic Congress sanction an election which a republican administration procured by the intimidating power of the United States Army? If so, then the democracy of South Carolina have indeed no friends to protect them.

There is another legal proposition I submit which, in my judgment, shows even from the republican stand-point that this election must be set aside. It is certain that no legal election could be held in any State in the midst of insurrection. The President sent troops to South Carolina, we say unlawfully, and therefore vitiated the election. The minority report says they were lawfully sent, because, as they say, "we have mildly depicted from our stand-point the utter perversion of a free popular government by the Hampton party, a condition of terrorism and violence without parallel in any land under a constitutional government."

If this be true, certainly no lawful election could be held there. Gentlemen of the republican party may take either horn of the dilemma they choose, and the election must be set aside. It is said that the sitting member is a faithful Representative and an honor to his race; but if he were ten times more worthy than he is, I could never consent to sustain an election where one party had unlawfully used the name, the influence, the power, and the Army of the United States against another. But the republican party, with great ingenuity, have impressed the minds of its followers with the belief that all this is excusable, if not justifiable, because the Army was used in the South against the hated rebel and in favor of citizens that the Government made, and whom the Government should therefore support and protect. Foreigners were made citizens by the United States, and yet when parties were formed with the avowed purpose to disfranchise them, when they were shot down in the streets in know-nothing riots, United States troops were not sent to invade the State for their protection; and but recently the power of the Government was brought to bear, not to protect, but to imprison its naturalized citizens for attempting to exercise that right, which the Army was called out to guarantee to the negroes of South Carolina. But the ground is shifted by the leader from Maine, and we are told that it is not so much the negroes of the South, but the white men of the North, who are to be protected against the overbearing power of southern whites who control negro votes. And those who a few years ago thought it all right that five hundred white republicans should cast the votes of ninety thousand blacks, now declare the South in a state of rebellion because in Mississippi, where the census of 1870 shows of males over twenty-one years, whites 84,784, and blacks 89,926, the whites should be able to control a majority of the votes. The men who can see rebellion in this are the bomb-proof veterans who were invisible in war and whose wish is father to the thought. They were born of rebellion; they grew rich on rebellion; they have been carrying the dead body of the last rebellion on their shoulders for fifteen years, like Falstaff claiming a dukedom for the dead Percy slain by other hands, and they now weep bitter tears because there are no more rebellions to suppress. They would be delighted to taunt or drive us into some act of rebellion. We do not propose to give them any such advantage of us. We know our constitutional duty and we propose to discharge it inside the Union; we know our constitutional rights and we are determined to maintain them inside the Union. If the republican party is spoiling to suppress rebellious spirit it had better turn its attention to its friends of the national banks, who are rebelling against the silver dollar coined by the act of Congress.

But it has been said that we are afraid of investigation in the South. This is certainly untrue.

We had neither intimidation, false counting, nor corruption funds to mar the purity of the election in Mississippi, so far as I am informed and believe. I saw one republican officer prospecting the chances for his election, and he said that he had been offered five or ten thousand dollars to carry my district, by the national executive committee of the republican party; that he was coming to Washington to see about it; that if he got the money he would run, if beaten he would contest, and if there was a republican House they would seat him because it was a negro district. He did not return, and we heard that the corruption fund was exhausted on Maine and there was none left for Mississippi. That, sir, was the bare-faced, shameless, manner in which they talked of bribing and corrupting the voters of my district, and yet when I introduced a bill to prevent it, the New York Tribune said it was "the height of impudence for a Mississippi democrat to introduce a bill to prevent corruption in elections." This reminds us that it was called impudence in the confederate brigadiers to impeach the loyal Belknap, and the height of impudence to approach the throne and accuse the immaculate Babcock. The democratic party is not afraid of investigation or comparison with republicans anywhere or on any question. If the charge is fraud, for every fraudulent vote or tissue ticket they can find in the South we will show a thousand they have stuffed into the ballot-boxes in Philadelphia, San Francisco, and other places, and we say to republican gentlemen, before you seek to remove the mote from the democratic eye, you had better cast out the beam of fraud that rests in the presidential chair, throwing its evil influence over the whole land. The statesmen who perpetrated this fraud have all been

rewarded with United States offices, and the aggregate sum of their salaries is \$187,730 per annum. If the charge is intimidation, for every republican voter driven from the polls by democratic violence in the South we can show a thousand democrats intimidated by United States marshals in every section, and hundreds in Massachusetts and every manufacturing district North who have been driven like sheep to the polls, and compelled to vote against their will under the fearful threat of discharge from employment in the beginning of winter. But leading republicans have said there is a great difference between the cases, because there was no bloodshed, no violence, in this mild species of persuasion or restraint. There may be a difference in this, and it may mark the difference in character between the parties. The one in hot blood may boldly brandish his weapon, the other, with cold, calculating, fiend-like cunning, threatens to bring not only his victim but his suffering wife and innocent children to want, beggary, and starvation. Southern men are ready to fight on small provocation, and sometimes without any. They have been always ready to fight over politics, and I have seen far more violence and bloodshed in the old days of whigs, democrats, and know-nothings, in Mississippi, when it was a fight of whites against whites, than I have ever seen since the negro became a voter. They may kill in open combat to resent an insult or to protect female virtue, but they never kill from mercenary motives. If we were disposed to treat the people of the North as some of its leading journals have treated us, if we were to send spies and detectives into your section to search out its crimes and brand the whole community with the faults of the few, we could present a picture that would horrify the world.

We need not in fact resort to detectives. We can take up its daily journals and show accounts of most foul and cowardly murders committed for money alone, of women seized and violated in the open street, school-masters debauching their female pupils, preachers corrupting the virtue of their congregations, officers embezzling money intrusted to their care, and robbers who not only break open banks and vaults which contain money and bonds but who from mercenary motives break open the vaults that cover the dead and rob the grave of its skeletons.

But, sir, we would scorn such retaliation. We do not charge or believe that these crimes of the few give evidence of the total depravity of a whole section. We have no disposition or desire to blackguard or defame the North. We would prefer to think of you in your splendid development of art, civilization, and wealth; to contemplate your school-houses, churches, and temples of justice; and to remember with honor the unbounded charity of your people and the open-handed generosity with which they bestowed gifts upon our sick and afflicted, without regard to section, creed, or color. We delight to draw a distinction between the envious and malignant politician who slanders our people for his own selfish purposes and the noble, self-sacrificing soldier who came to us with his vessel laden with comforts to heal the sick and soothe the parched palate of the dying, who fell a victim to the fatal disease he sought to alleviate, and who now sleeps in the heroic city lulled by the waters of the great river on which he came, and where the daughters of the South will annually sprinkle flowers on his grave. We desire to live in peace with our neighbors, and we can only look in pity on the man who could be thus used, and pity the dire exigencies of a party that could require its chief officer to stoop to the wholesale defamation of a whole section of this Union, upon *ex parte* statements covering the action of a few.

We are not only charged with a spirit of rebellion and a want of good faith in the observance of the constitutional amendments, but we are charged with ingratitude to the President himself. In what, sir, does that ingratitude consist? In nothing so far as shown except that we of the South remain true to our lifelong principles of democracy and refused to join the republican party. The President, in his first annual message, told us he withdrew the troops from Louisiana and South Carolina in obedience to his constitutional duty. Now it is said or insinuated that this was a great favor to the South, and it seems that we were expected not only to honor the President for an honest discharge of his constitutional duty but to reward him by helping him to build up the republican party in the South. I gave him credit for having acted on high and manly principles, from motives of patriotism and a sincere desire to heal the bleeding wounds of a fratricidal strife. But his political friends now put him in the pitiable attitude of a trickster and trading politician who was moved alone by the ignoble purpose of attempting to bribe southern men to join the republican party. He confesses himself disappointed in his expectations, whatever his motives or expectations were. This confession was accompanied in the same message with an ominous request from the President and Secretary of War for permission to use the Army for purposes not now authorized by the Constitution and laws of the United States. The southern democrats and the northern workmen are the parties against whom the aid of the Army is invoked, but who cannot now be reached without a violation of law. Hence the cry of southern rebels and northern communists is to be raised to arouse the passions of a solid north and excite the fear of capital until the Administration will be intrusted with power to crush our liberty by military force.

The key-note of the party was sounded at the last session by the distinguished gentleman from Ohio [Mr. GARFIELD] when he said "I am for a government of law, with an army strong enough to enforce it." What, sir, is law in the estimation of the republican party. Let

the dispersion of State Legislatures by United States troops, the encampment of Federal forces in State capitals, the assembling of armed soldiers at the election precincts, and the arrest and imprisonment of legal voters by United States marshals answer that question.

Aaron Burr once said, "Anything is law that is boldly asserted and persistently maintained." With the republican leaders boldly to assert the law and the Army persistently to maintain it, might well become right; the law will come to mean, like loyalty, a support of the republican party, and the liberties of all who dare resist its high behests will be crushed out forever. That is the issue they propose to tender us in 1880. They desire a solid South to encourage a solid North, and they will present no platform on which the South can divide. They are afraid of a contest that involves alone a discussion of their misconduct in office and their financial mismanagement. Hence the issue they tender is not hard or soft money, but strong or free government, military or civil rule over a conquered South. The republican party, with its man on horseback clothed in all the pomp and circumstance of military glory, will represent the party of force; the democratic party, with some great civilian in judicial ermine or senatorial robes, will represent the party of the Constitution; and if the issue is thus made the fate of free government will depend on the result. Men of the North who love country more than party should remember that Caesar rose on the downfall of Pompey; Napoleon was enthroned through the fear of Jacobins and the hatred of Bourbons; Cromwell became protector through hatred of the Stuarts; and if in the blindness of passion a solid North violates the Constitution to wreak its vengeance on a hated South, history may repeat itself here and republican liberty be strangled in the land of its birth. It is boldly asserted by republican leaders and republican journals all over the land that the South is still in rebellion and that it must be suppressed as before. That means another civil war and all its accompanying horrors, and the good men of the North should crush in its infancy this new effort of the republican party to incite another sectional strife. What, sir, is the miserable pretext for this charge of rebellion and these threats of civil war. If all be true that is charged or intimated by the republican party it amounts simply to this, that ballot-boxes have been stuffed in South Carolina and that intimidation of voters has been practiced in Louisiana. If true, why should these crimes be more startling in the South than in the North? and why should the Constitution which unites us as States be trampled under foot to enable the Administration to reward its friends or punish its enemies?

I have been examining the cases of contested elections, and I find that ballot-box stuffing has been practiced for many years; but I find that in past times it was a northern and not a southern accomplishment. And in the recent elections of United States Senator, both in the Connecticut and Wisconsin legislatures, there were more ballots cast than members present. The Plaquemine fraud stands alone, and by its isolation is made more conspicuous. I find case after case in the books where it has not only been charged but proved in northern elections, and yet I nowhere find any intimation from counsel, court, or election committee that it was ever regarded as an act of rebellion. Intimidation of voters also seems to have been practiced as far back as the time when Michigan was a Territory, and yet no man seems to have called it rebellion and no man dared to talk of calling out the Army to suppress it. There seems to have been laws provided for such cases, and the cases seem to have been dealt with according to law. I do not know that any fraud or intimidation at elections has been practiced anywhere in the South. If such crimes have been committed, the democratic party is ready to see them dealt with as such crimes are dealt with in New York, Pennsylvania, or any northern State. But, sir, if all that has been charged against the South is true, I undertake to say not only that it is no evidence of rebellion, but that every crime charged to have been committed in the South can find its precedent in the past action of the republican party in the North; and it only shows that some of our men have learned too well and imitated too closely the lessons you taught. You taught that offensive laws of the United States should be overcome by riots, bloodshed, and intimidation of those who sought to execute them until they became a dead letter, as you did in the fugitive-slave cases. You taught the lesson too that ballot-box stuffing was an easy mode of overcoming a troublesome majority. You taught us that an assassin, if acting under the influence of political fanaticism, should be made a patron saint, and while his "body lies mouldering in the ground, his soul goes marching on." You showed that convents could be burned, women turned out to starve, and men shot down in know-nothing riots, and that home juries could be trusted not to convict. And almost every day we read of Chinamen murdered and whole settlements of their houses burned through race prejudices; and yet we hear of no efforts to enforce the law in their defense. If your chickens come home to roost, if the lessons you taught are practiced against you, you at least are estopped from complaint. But the democratic party by its platform and the conservative men of the South, like Hampton, Nicholls, and Stone, have endeavored to overcome the effect of these radical teachings and to curb the spirit aroused by these radical examples.

If crimes have been committed in any portion of the Union let them be punished according to law. But while we are attempting to punish intimidation and fraud that may have occurred in some particular State, let us not forget that there is another far greater and more dangerous crime which has been spreading like a pestilence through

every State. Let us not forget that a gigantic system of bribery and corruption is growing up, which threatens to absorb the Government and perpetuate the rule of the party in power. Let us remember that the public money drawn voluntarily or involuntarily from eighty thousand office-holders—perhaps a million of dollars—has been used in the late elections to sustain the republican party. In fact the use of such money in elections has been so long practiced by the republican party that it has ceased to be a matter of shame or concealment, and it is said that in the last canvass republican candidates openly quarreled with each other about the distribution of the corruption fund.

Assessments are regularly made upon the employés of the Government, who seem to hold their places, like the vassals of the middle ages under their feudatory lords, by contract express or implied as to the amount of tribute to be paid. And I am told that since the meeting of this Congress the republican executive committee has been called on to refund one assessment because the clerk had recently died and when his friends came to bury him it was found that the poor fellow had been compelled to pawn his watch to raise the amount of his assessment. And yet the pharisees who thank God daily they are not like the miserable rebels of the South who intimidate negro voters, have here in the capital of the Government intimidated with threats of discharge, poor half-starving clerks—women and men—to obtain money to be used in the election. They can see rebellion in a solid South, banded together to preserve its local rights, but they can see no danger to the Republic in a solid Administration, gathering by assessment an immense corruption fund to pollute the fountain of our freedom and perpetuate its power.

They can see rebellion in the red shirts of southern men put on to attract and not to intimidate the negro, but they see nothing to complain of when the intimidating power of this great Government is brought to bear upon the democratic party through its soldiers in blue encamped at election precincts or when United States marshals drag free citizens from the polls to prison for attempting to exercise the elective franchise. They denounce the South because some impatient spirit, driven to desperation, strikes in violation of law; but they smile with the hypocritical complacency of self-sanctified saints while the Administration is to-day, through infamously-packed grand juries in the South, prostituting the law to the vile purposes of political persecution. Such high-handed tyranny has not been heard of since the persecutions under the odious alien and sedition laws which were enacted by the fathers of the republican party.

But all this pretended fear of rebellion in the South is assumed for the occasion by political actors to conceal the iniquities of the republican party. They are afraid to meet an offended public and answer for the sins of their administration. They fear the just retribution that awaits them at the hands of the long line of ruined men whom their contraction policy has reduced to beggary. They hope to stifle the cry of despair by the denunciation of rebellion, but they will fail. The cuttle-fish of the republican party may blacken the waters around them, but they cannot escape. They may shout rebellion until they are hoarse, but they will only drive the honest men of the country farther from them. The business men of the Union want peace and prosperity. They are tired of turmoil and strife, and they will denounce that party as the disunion party which seeks to keep alive the hates of the war. They will pronounce that party which refuses to recognize the dollar coined by the act of Congress, which refuses to obey the laws and the Constitution, and whose governor in Massachusetts harbors a robber and thief and refuses to surrender him as a fugitive from justice from a sister State, to be the party of nullification, disunion, and rebellion.

APPENDIX.

"THE SPOILS OF VICTORY" TO THE "VISITING STATESMEN," RETURNING BOARDS, SUPERVISORS OF ELECTIONS, ETC., IN LOUISIANA AND FLORIDA, AND TO THE PRESIDENT'S COUNSEL BEFORE THE COMMISSION.

The following is a cash estimate of the annual costs to the public for the compensation of the persons who secured the presidential chair to Mr. Hayes. It foots up the neat little sum of near \$250,000 per annum:

Name.	Position.	Location.	Salary and fees.
J. Madison Wells.	Surveyor of the port.	New Orleans.	\$4,500
T. C. Anderson.	Deputy collector.	New Orleans.	3,000
I. M. Kenner.	Deputy officer.	New Orleans.	2,500
W. Pitt Kellogg.	United States Senator.	New Orleans.	5,000
Morris Marks.	Collector of internal revenue.	New Orleans.	3,750
O. Brewster.	Surveyor-general.	New Orleans.	1,800
S. B. Packard.	Consul to Liverpool.	New Orleans.	6,000
H. J. Campbell.	United States attorney.	Wyoming.	10,000
Charles Hill.	Storekeeper, customs.	New Orleans.	1,400
H. C. Clarke.	Revenue department.	Washington.	1,200
George L. Smith.	Collector of the port.	New Orleans.	7,000
W. L. McMillan.	Pension agent.	New Orleans.	4,000
F. F. Cassanave.	Storekeeper, customs.	New Orleans.	1,400
W. H. Green.	Clerk, customs.	New Orleans.	1,000
Y. Woodward.	Clerk, surveyor's office.	New Orleans.	1,500
W. F. Lean.	Clerk, collector of customs.	New Orleans.	1,200
F. A. Clover.	Clerk, customs.	New Orleans.	1,600
F. A. LeSage.	Laborer, customs.	New Orleans.	720
John Sherman.	Secretary of the Treasury.	Washington.	8,000
W. M. Everts.	Secretary of State.	Washington.	8,000
G. A. Sheridan.	Recorder of deeds.	Washington.	5,000
E. W. Stoughton.	Minister to Russia.	St. Petersburg.	17,500

Appendix—Continued.

Name.	Position.	Location.	Salary and fees.
John A. Kasson.	Minister to Austria.	Vienna.	\$12,000
A. B. Levissee.	Special revenue agent.	New Orleans.	2,500
L. J. Souer.	Appraiser of customs.	New Orleans.	3,000
A. B. Badger.	Postmaster.	New Orleans.	3,500
J. R. Hawley.	Commissioner, Paris exposition.	Washington.	2,000
L. Desmaris.	Cashier, customs.	New Orleans.	2,500
M. H. Twitchell.	United States consul.	Canada.	2,000
A. B. Sloanaker.	Revenue office.	New Orleans.	1,200
W. A. Hiestand.	Custom-house.	New Orleans.	1,200
Jack Wharton.	United States marshal.	New Orleans.	2,000
James Lewis.	Naval officer.	New Orleans.	5,000
B. Bloomfield.	Custom-house.	New Orleans.	2,500
N. L. Lastrapes.	Custom-house.	New Orleans.	720
Paul Trevigne.	Custom-house.	New Orleans.	1,000
R. M. J. Kenna.	Custom-house.	New Orleans.	600
Samuel Chapman.	Custom-house.	New Orleans.	600
E. Lukeman.	Custom-house.	New Orleans.	600
Henry Smith.	Custom-house.	New Orleans.	600
E. F. Noyes.	Minister to France.	Paris.	17,500
M. S. Stearns.	Hot Springs commissioner.	Little Rock.	5,000
L. G. Dennis.	Architect's office.	Washington.	1,800
"Judge" Cessna.	Postmaster.	Washington.	2,500
Clerk Black.	Treasury Department.	Washington.	1,800
Clerk Howell.	Collector of customs.	Washington.	2,500
Clerk Bowles.	Treasury Department.	Washington.	720
Judge Bell.	Interior Department.	Washington.	2,500
E. Humphreys.	Collector.	Pensacola.	2,000
Stearns's secretary.	Treasury Department.	Washington.	1,400
— Maxwell.	Lieutenant, United States Army.	Washington.	1,500
— Barnum.	Recorder, land office.	Washington.	1,500
— Taylor.	Clerk, Land Office.	Washington.	1,000
Lew Wallace.	Governor of New Mexico.	Santa Fe.	3,000
Total.			187,730

Revision of the Patent Laws.

SPEECH OF HON. MARK S. BREWER,

OF MICHIGAN.

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 27, 1879.

On the bill (S. No. 300) to amend the statutes in relation to patents, and for other purposes.

Mr. BREWER. Mr. Speaker, I apprehend there is no subject-matter at the present time that so oppresses the people of my own district, and I might say of the whole Northwest, as the unjust manner in which our present patent laws are sought to be enforced by unprincipled men. There is not, in my judgment, a member on this floor who would in any manner seek to obstruct or repress the inventive genius of our people. We cannot forget the wonderful advantages that have accrued to the human family by the creative minds of our people, and we delight to do honor to the man who in his wisdom devises machinery that will lessen the labor of the husbandman, the manufacturer, and the toiler in all the pursuits of life. Mind cannot comprehend the drops of sweat that have been saved or the muscle-power man has preserved by the invention of the reaper and mower, the thrasher, and other machinery which has been devised by a McCormick, a Whitney, a Howe, and others. The money value which has accrued by reason of the various inventions in use all over our country is beyond computation. While we rejoice in the achievements of these results we cannot forget the unjust and oppressive burdens that are being inflicted upon our people under the ill-advised and imperfect patent laws which are now found in our statute-books. I would not consent to the repeal of all our patent laws, although imperfect they may be, but what should be done is to perfect the same so that the user of a patented article shall have his rights protected equally with him who patented the same.

It is not usually the honest inventor who seeks to oppress the people under our patent system, but he who for some small pittance buys up some patent that has lain dormant until other minds have wrought out something similar which has become useful to the farmer, the manufacturer, or the laborer, and then he sweeps down upon those who have innocently manufactured, purchased, or used these articles, claiming a royalty for some pretended infringement upon the invention of his assignor. To-day, in the district which I have the honor to represent, there are men going from county to county, from town to town, yes, from house to house, demanding royalty for some pretended infringement of a pretended patent-right owned by some imaginary person. For twenty years our farmers have constructed for their own use and used on their farms certain simple and cheaply constructed farm-gates, not knowing or dreaming that the Government had ever granted to any one a monopoly for the construction and use of such gates. Yet, during the last year, along comes one of these men who seeks to live upon the hard earnings of other people, and

claims that some person by the name of Lee, away down in Ohio, some seventeen years ago, received letters-patent for a similar gate; that he was the assignor of such patent, and that these farmers who had constructed and used these gates for twenty years had infringed upon his patent, and unless they paid him a royalty of ten, twenty, or fifty dollars, according to the size of their farm, they must be drawn away to Detroit to contest these pretended claims in the United States court.

Next comes along the "drive-well" man, with his pretended claim that only he as the assignee has the exclusive right to seek and find water in the earth by means of a simply constructed piece of iron, and insisting that the farmer who has hired some poor laboring man to put down such well, not knowing but that the laborer had a perfect right to perform such work, or that the right of procuring water in that way had been granted to one man by the Government, was infringing upon his patent. He, too, is compelled to pay royalty to enrich these leeches who live only upon the substance of others. Nearly twenty-one years ago a man by the name of J. C. Birdsall had letters-patent granted to him for the exclusive right of manufacturing and vending a certain clover-thresher or huller, and during all that time he has had a monopoly in the making and vending of the same. Now he seeks to have Congress extend this exclusive right to him for still another seven years.

Mr. Speaker, this man to-day has his agents in my district demanding a royalty from every man who has used or owned a clover-thresher with any similarity to that which was invented by Birdsall. These machines were bought by our farmers in open market, from our own merchants, not one of them dreaming that they were infringing upon the rights of Mr. Birdsall or any other person, or but that the vendor had a perfect right to sell such machines. Our people from day to day are contributing from their scanty earnings to this man, rather than be drawn from their homes to litigate over the wrongs that are being inflicted upon them.

I know one man in my own county who purchased a clover-thresher some twelve years ago, used it three years, and sold it. He bought it from a merchant and large dealer in farming implements near his own home, and now along comes an agent of Mr. Birdsall's and claims royalty for the use of this machine years ago. I apprehend that the right of this man Birdsall to levy tribute upon the people cannot be safely or justly extended. I believe it to be of doubtful policy, to say the least, to extend any patent beyond the time for which it was originally granted. It is claimed that the purchasers of machinery are presumed to know the law and to know whether such machinery is a patented or unpatented article. Such a presumption in regard to patent-rights cannot be based upon reason but can only be created by law. It is said there have been issued over six hundred patents upon corn-planters alone. Many of these simple articles have several different portions covered by separate and independent patents, and this is the case with nearly all of the machinery in use.

The farmer or mechanic goes to the nearest dealer in such articles as he wishes to purchase, he finds the article labeled "patented." He buys it, but after he has it and uses it perhaps until worn out, he finds that there are several portions of such machines covered, as I said before, with entirely distinct and independent patents, and that the manufacturer of such article has infringed upon the rights of one or more of these patentees. It is frequently the case that these patentees had knowledge that the manufacturer or vender of such articles was infringing upon their rights, and they stood by and saw such infringement, waiting until they could levy tribute upon some innocent purchaser of such articles. In such cases should not the patentee suffer rather than the innocent person? We think he should. Senate bill No. 300, which is now pending in this House, seems to have been framed with great care for the purpose not only of simplifying the present law, but for protecting the rights of all parties.

I watched the discussion upon this measure during its consideration in the Senate with much interest, and I do not believe any measure during this Congress has received that careful consideration and clear analysis that this bill received. While I think the measure has not gone far enough toward protecting the rights of innocent purchasers of patented articles, yet it is a great improvement in that direction upon the present law. The session is now too nearly passed to undertake to amend the Senate bill: I therefore hope it may become a law, and I shall feel that this House has failed in its duty if it does not press such bill to an early and successful consideration.

Chinese Exclusion.

SPEECH OF HON. WM. J. BACON, OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 22, 1879,

On the bill to restrict the immigration of Chinese to the United States, with the amendments of the Senate thereto.

Mr. BACON. I cannot, Mr. Speaker, allow this occasion to pass without the utterance of a protest, unavailing as I too well know it will

be, against the passage of this bill. My words will be very few, but they will be so emphatic that my constituents will stand in no doubt in regard to my opinion of this bill and the influences which have controlled the action of Congress upon it. I often wonder whether gentlemen pause to think of the consequences, often so serious and solemn, that depend upon the vote they are called upon to give. It is a small thing apparently, and demands but little effort to say "ay" or "no," but in doing so we are more frequently perhaps than we think standing in the presence not merely of the ages that have gone before, but of all that are to succeed us, and cannot if we would avoid their judgment.

It is related of Napoleon that during his campaign in Egypt, when marshaling his army for a decisive engagement under the shadow of the pyramids, with the view of giving them a lofty inspiration, he exclaimed, "Soldiers of France, remember that from the summit of yonder Pyramids forty centuries are looking down upon you." So upon these comparatively inconspicuous but nevertheless momentous acts of ours the century past not only, but all the centuries to come, are or will be looking down on us. The fathers in our own history are especially looking upon us, and we may very easily imagine them asking "Are these the sons of those who proclaimed that 'all men are created equal, and are endowed by their Creator with certain inalienable rights?' Are they the sons of those who declared this to be 'the land of the free and the home of the brave?' who said to the men of all nationalities, creeds, and conditions, 'this is the asylum of the oppressed and the heavy laden; come here and rest; especially is it designed as the abiding-place of the toiling millions.' Here is a boundless, virgin territory; come and help us hew down these forests and throw open all these countless acres to a rich and profitable cultivation. Here are exhaustless mines of silver and gold and all the baser metals; come and help us to exhume these treasures; and here are works of internal improvement, canals to be dug and railroads to be built; come and aid us in these works and share in the product and partake of our prosperity."

And they came in countless hordes and were made welcome, and took a share in our rich inheritance, and no man rose up to bar the door against their unlimited entrance. All came from all quarters of the earth save the inhabitant of China. He was shut up behind the solid wall of masonry and the more solid wall of national exclusiveness, and he staid at home until the other nations broke over the wall and prostrated that barrier, and by the strong hand compelled them to open their doors, and by treaty stipulations gained an entrance to their dominions and invited them to our shores, and great was the jubilation, nowhere more conspicuous than on the Pacific slope, at the success of our diplomacy.

And now at the instance of "sand-lot orators and San Francisco hoodlums" and the howling of those who cry out against "cheap Chinese labor," we propose at once, without notice, without negotiation, to correct any evils that may be supposed or that do in reality exist in the case, to trample this treaty under our feet and incur not only all the national odium attendant upon such an act so performed, but put in serious peril great commercial interests which have sprung up and as the offspring of this treaty are now in vigorous existence.

Mr. Speaker, I do not permit myself to doubt the sincerity of some gentlemen who support this bill. Strange as it seems to some of us, they have unquestionably worked themselves into a genuine alarm as well as a firm belief, that the real prosperity of the Pacific slope and the ascendancy of those who should be the real masters and proprietors of the lands and the controllers of all the public interests of that region, are really at hazard from the incoming of this foreign element, and that if not wholly driven out, it must at least be restricted to the smallest possible limits. I confess I cannot help smiling at this alarm, and am amazed at the credulity thus indulged. It cannot be argued with, and must, so far as it is genuine, be respected.

But after all, when we get at the "bottom facts," there is no use in our attempting to blind ourselves to the patent fact that the key to this movement is to be found in certain supposed political necessities, and the truth, patent to all that will look, that a struggle for political power and the success of certain aspirations that look to something higher than a seat in this House or in the Senate of the United States, demand, or seem to demand, a course of conduct that under other circumstances we should never have looked for, and in contemplation of which some men would exclaim, like him of old, "Is thy servant a dog that he should do this thing?"

But I did not rise to argue this question. It is settled and decreed that this bill, with all the amendments put upon it by the Senate, is to pass this body. Its ultimate fate, after the vote by which it first passed this House, was determined, and that vote disclosed that there was power enough to put it again through the House if it should ever come back from the Senate. It has come back with all its original sins upon its head, and very little, if at all, mitigated by any mollifying provisions. It will pass and go elsewhere, and I can only express a strong hope that an enlightened view of the sanctity of treaties and of the proper mode of procedure either to abrogate or modify their provisions will lead to the exercise of a power put into the Constitution for the express purpose of arresting unwise and unjustifiable legislation.

I cannot avoid being struck by the fact that the thing we are this day to do, the scene we are to enact, is to be done and exhibited before the eye of the world on the 22d day of February—a day which ought

to have been consecrated to a commemoration of the birth and a rehearsal of some of the virtues that distinguished that illustrious American, George Washington, instead of perpetrating a deed which would have evoked from him an indignant protest and mantled his cheek with a blush for the degeneracy of his countrymen. I have just read in one of the leading and most influential journals of our commercial metropolis, as fitting matters to be recalled on such a day, some things that it may, with absolute certainty, be assumed that Washington would not under any possible pressure of circumstances have done. Among many other things, these were enumerated:

He would not have tried to revolutionize the constitutional system by forcing the passage of legislative measures on pain of stopping supplies, and consequently the wheels of the Government.

He would not have carried on a cipher correspondence; all of his letters are as clear and open as his handwriting.

He would not, when treachery and cruelty to the Indians had brought about a state of chronic warfare in thinly-settled Territories, have cried aloud, sparing not, "Reduce the Army to ten thousand men."

And finally, he would not have consented to nullify a solemn treaty obligation although the offended power had been even weaker than China and less able to resent the insult.

If a bill containing such an element of national dishonor had been presented to him, and his consent to its passage had been asked, we may be assured his instant and indignant answer would have been "never;" and if, adopting the refrain which just now happens to be so popular, some one had had the temerity to ask "what, never?" we may rest equally assured that he would not have made the hesitating and equivocal reply, "well, hardly ever;" but in words as clear as the light of the mid-day sun, as instant as the flash of the lightning, and as deep as the sound of the rolling thunder would have come the reply, "never, never, never."

Southard Amendment.

SPEECH OF HON. BENJAMIN DEAN,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 25, 1879,

On the Southard amendment to the legislative bill to repeal the law for supervisors and deputy marshals of elections.

Mr. DEAN. Mr. Speaker, I propose to recall the attention of the House to a severely contested election case, which was tried in this House during the present Congress, in which I was the contestant and my friend, Mr. Field, was the contestee.

I say that case was tried, but that is not all that was tried; the law itself was tried. The republican party's adherence to the law was also then tried. The efficacy of the law in that case and the faith given to it by its makers may well be brought up in review now, when those who disregarded that law are threatening to compel an extra session of Congress rather than permit its repeal. If the friends of that law refused to abide its provisions when they made against them, it is certainly an additional reason why its repeal should be insisted on by those who do not believe in the law.

This law provides that the supervisors shall remain with the ballot-boxes until the canvass is wholly completed and the certificates or returns made. They are to remain until the last act is done. Why? That nothing shall be done afterward; that they shall have all and the final evidence. This provision was to prevent any subsequent counting, because it was alleged that in New York false counts were made afterward; that the results of elections were not so much the results of the voting as of the subsequent canvassing and returns. It is also provided by the law that "to the end that every candidate for Congress shall have the benefit of every vote cast for him they shall make returns to the supervisor-in-chief of all the votes cast."

This was done and these returns declared me elected; and yet these gentlemen ignored these returns and adopted a count made in secret three days after the supervisors had left the ballot-boxes, by a committee of three aldermen.

Nothing could be clearer than these provisions of law, nothing is more certain than the object and purpose of their enactment. The fact also is undisputed that the returns of the supervisors declared me to be elected.

What was the duty of every member of this House under such circumstances? Now I am not arguing the case generally. I am not recalling any of the other features of the case. The case itself has passed into history. I merely recall this feature of it as bearing upon the question of the repeal of the law itself. If in this case, so clear and so indisputable, the friends of the law refused to abide by it because it happened to work against them, they surely cannot expect anything but its repeal by the majority of the House, that majority believing the law a wicked and mischievous one in many respects and not necessary in any respect.

Mr. Speaker, they are willing to give up the jury law; they are willing to repeal the law providing for soldiers at the polls; they are willing to do anything rather than part with a law which they so recently disregarded. It is certainly refreshing to find them so con-

vinced of the errors of their ways as to confess that two of the laws sought to be repealed have no business in the statute-book. They say these laws were made during the excitement of the war, and may now well be repealed. This shows that the people are beginning to awake, that they are returning to the wholesome doctrines of the fathers.

But this is not enough. The war has been over many, very many years; the same reasons that apply to the repeal of the two laws apply with equal force to the other. Gentlemen say "Wait!" "Wait!" but we will not wait. Now is the accepted time; now is the day of our salvation. The action of the republican members of this House to which I have called attention was in the face of a direct caution from one of its members. My colleague, [General BUTLER,] with a prescience well known, said, when discussing that case:

Whatever we may do to-day to attempt to get rid of that law will return to plague the inventors.

Could anything be more prophetic? The question is, Shall this law be repealed? and the utter refusal to abide by and obey its provisions stares our friends in the face. He also called attention to this declaration in the report of the minority: "These provisions of law were not enacted by Congress in pursuance of its constitutional power to 'make or alter' regulations as to the manner of holding elections for Representatives in Congress," and protested against that declaration signed by four republicans. Of course the provision of the Constitution mentioned is the only authority for the law, and to admit that it is not supported by that provision is to declare its unconstitutionality. General BUTLER, my colleague, would not agree to its unconstitutionality. The case was so clear that every one who believed the law constitutional must support the returns of the supervisors. But he, and he alone of the republicans, supported those returns.

Now, who can object to the repeal of this law? It is disregarded and treated by the republicans as unconstitutional when it makes against them. They oppose its repeal hoping that the balance of its favors will be with them.

It is a bad law. It arrays the Federal Government against the States and the States against the Federal Government. It creates trouble at the polls. It is the mother of domiciliary political visits and espionage, hitherto unknown in this country and contrary to the genius of the American people. It creates bad blood between friends and neighbors. It annihilates that freedom of the States to manage elections within their own borders which has been considered an important feature of American democratic institutions. The balances are against it. Let it be repealed, and let it be repealed now.

Brazilian Mail Service.

SPEECH OF HON. R. L. GIBSON,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 28, 1879,

On the amendment of the Senate to the bill (H. R. No. 6143) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes.

Mr. GIBSON. Mr. Speaker, the discovery, the colonization, the establishment of a Federal Government in America grew out of the development of commerce. It was the impulse to discover a short passage to the Indies that enabled Columbus to present the western world to the knowledge of men. It was mainly to enjoy the advantages of a continent, rich in all the elements of wealth and trade, that led the early colonists to seek homes on the shores of the rivers flowing into the Atlantic. It was resistance to a tax on their commerce that led to the overthrow of British rule. And it was for the better regulation of trade that brought about the convention which formed the Constitution and organized the Federal Government.

The most ancient of the colonies, Virginia, on January 21, 1786, invited her sister States to meet in convention "to take into consideration the trade of the United States." Thus it is seen that, historically speaking, every step taken in the career of America has been identified with, and in the interest of, trade and commerce. The first measure which may be held to be in derogation of this policy was the tariff act of 1789, by which a discriminating duty was levied against certain articles of import with a view to protect manufacturing industries, and at the same time to raise revenues for the maintenance of the Government and the payment of its debt. This tax upon imports was in effect a limitation upon exports, and diminished to a certain extent the absolute freedom of trade and commerce. Certain laws were passed also, under the title of the "navigation act," prohibiting any other than American vessels from engaging in the carrying trade on the ocean fronts of our country. American citizens were forbidden to buy ships and to use them as carriers of American trade.

This policy has become the fixed and permanent policy of the country. Our manufacturing industries under it, aided by the inventive

genius of our countrymen, have caused production to outstrip consumption. Our domestic markets are gorged with the commodities of our own busy population. Capital has been absorbed more and more in manufactures, while agriculture and commerce have been neglected. Under the burdens of this legislation our shipping interest has languished. While we surpass Great Britain and France in population our trade is smaller than either.

The carrying trade of the world is estimated at 19,912,605 tons, of which, steam there is 5,595,175 tons, sail 14,317,430 tons; of which Great Britain possesses 9,061,205 tons and the United States 2,684,933 tons. Great Britain possesses of steam 3,465,187 tons, and of sail 5,596,018 tons. The United States possesses of steam 609,101 tons, and of sail 2,075,832 tons.

It thus appears that Great Britain possesses about five times as much tonnage as our own country. It is estimated that we pay to her over a hundred millions a year in freight and insurance—an enormous drain upon our resources. When we look at the trade of South America we find that we are almost shut out from its benefits on account of the legislation of which I have spoken. If we could amend our whole system and the policy of the Government upon which it is founded, I would regard it as the work of wise statesmanship; but I see no other way at present to overcome the barriers we have erected by legislation between our countrymen and foreign nations, and to secure communication with them, especially with nations which in the race of life would be tributary, than by making special contracts under the power laid down in the Constitution to establish post-offices and post-roads.

It is claimed by the opponents of this measure that the allowance which we propose to make for a line of steamers between New York and Rio Janeiro and between New Orleans and Rio Janeiro, in order to secure direct communication and mail facilities between the leading ports of our country and those of Brazil, is a subsidy, is nothing more nor less than a vulgar subsidy in favor of a particular individual or corporation. Is it a subsidy to make such a mail contract for carrying the mail between New York and New Orleans? Was it a subsidy to give postal facilities by sea between the citizens of New York and San Francisco before the building of the railway? No one for a moment who realizes the necessities of the people of the whole country, or who shall have considered the constitutional aspect of the question, or who shall have minutely examined the provisions of the bill, will hold this to be a subsidy. The Executive Department of the Government is authorized to make the contract with no particular person or corporation. The conditions of the contract are altogether in the interest of the people of the country and the way is open to any citizen of America to avail himself of them. It is a shame to American statesmanship that the countries south of us, neighboring nations, should be dominated in their policies, in their trade, in their commerce, in their civilization by Great Britain and France and other continental powers, while we are absolutely cut off from all intercourse with them by our own narrow course of legislation.

The empire of Brazil, covering an area of 3,275,326 square miles, and with a population of 10,196,324 souls, with an enlightened and stable government, and a vigorous and advancing people devoted to agriculture, import of manufactured goods over one hundred millions per annum, of which we supply but a little over seven millions, while England furnishes over thirty millions and France over sixteen millions. Why is it that our Government permits our people thus to be shut out from the great empire of Brazil between whom and ourselves there should be the closest relations? It is owing to the fact that other countries, our great competitors for commercial dominion, have built up and maintained direct lines of communication, while we have been as busy in building barriers between ourselves and the people of Brazil. If we cannot overthrow the barriers let us at least adopt a policy by which we shall be enabled to surmount them. Let us open to the industry, to the energy, to the thrift, to the genius of our citizens the markets of a country whose government already extends a friendly welcome to us, and whose people are eager to supply themselves with our products and manufactures.

The public men of America have been so absorbed with domestic questions, political rivalries, and political contentions, that they have not realized the opportunities and possibilities for national wealth and aggrandizement by the development of our foreign commerce. It was reserved for Edmund Burke, in the last century, in his great speech on conciliation with America, to foretell her magnificent destiny. It was reserved for a distinguished British statesman, Mr. Gladstone, in this century, to portray with a vivid and yet critical pen the realization in part of that destiny. Shall we not appreciate it? Shall we turn our backs upon such possibilities? Shall we not rather by wise legislation open the way for the full and perfect growth of foreign trade and commercial dominion upon which this destiny depends?

It was the dream of Mr. Jefferson that Norfolk should one day become a seaport worthy of the Old Dominion, and the distinguished Matthew F. Maury wrote a series of brilliant letters prophesying her future greatness. Will the gentlemen who represent that ancient Commonwealth to-day in this House refuse to contribute by their voices to the establishment of a policy which will be the beginning of a trade between Norfolk and the countries south of us, which shall make her the great distributing point on the Atlantic seaboard? You will send from Norfolk your manufacturing and agricultural products, your flour, your farming utensils, all the fabrics of your indus-

tries, and bring back in return the coffee and other commodities of the South. New York to-day does all this for you, and your interests are subordinated to hers, which have been fostered by this very policy that you would now condemn and reject, but which from the foundation of the Government has been cherished by northern statesmen, and the benefits of which have been made manifest throughout every part of the northern country. They may dispense, indeed, with it now, but it is because they have a monopoly of capital and of business.

On January 10, 1722, Father Pierre François Xavier de Charlevoix addressed a letter to the Dutchess of Lesdignieres, as follows:

NEW ORLEANS, January 10, 1722.

I am at length arrived in this famous city, which they have called *la Nouvelle Orleans*. Those who have given it this name thought that Orleans was of the feminine gender, but what signifies that. Custom has established it, and that is above the rules of grammar.

This city is the first which one of the greatest rivers in the world has seen raised on its banks, if the eight hundred fine houses and the five parishes which the newspapers gave it some two years ago are reduced at present to a hundred barracks, placed in no very great order, to a great storehouse built of wood; to two or three houses, which would be no ornament to a village of France; and to the half of a sorry storehouse, which they agreed to lend to the lord of the place, and which he had no sooner taken possession of, but they turned him out to dwell under a tent. What pleasure, on the other side, to see insensibly increasing this future capital of a fine and vast country, and to be able to say, not with a sigh, like the hero of Virgil, speaking of his dear native place consumed by the flames and the fields where the city of Troy had been, but full of a well-grounded hope, this wild and desert place, which the reeds and trees do yet almost wholly cover, will be one day, and perhaps that day is not far off, an opulent city, and the metropolis of a great and rich colony.

You will ask me, madam, on what I found this hope? I found it on the situation of this city, at thirty-three leagues from the sea and on the side of a navigable river, that one may come up to this place in twenty-four hours; on the fruitfulness of the soil; on the mildness and goodness of its climate, in thirty degrees north latitude; on the industry of its inhabitants; on the neighborhood of Mexico, to which we may go in fifteen days by sea; on that of the Havana, which is still nearer; and of the finest islands of America and of the English colonies. Need there be anything more to render a city flourishing? Rome and Paris had not such considerable beginnings, were not built under such happy auspices, and their founders did not find on the Seine and the Tiber the advantages we have found on the Mississippi, in comparison with which those two rivers are but little brooks.

The destiny of New Orleans is bound up with that of the Mississippi Valley. According to the estimates of Thomas Hart Benton, made in 1847, there are fifty thousand miles of boatable streams within the valley of the Mississippi. This vast region has its natural outlet at New Orleans. Norfolk, on the eastern seaboard, and New Orleans, on the southern, are the gateways through which intercourse between the people of the United States and the countries south of us would be conducted but for the bounties which were extended by the Federal Government to that vast system of railways which has diverted the trade and commerce to the eastern sea-ports and stimulated the concentration of capital in the manufacturing industries of the North. But it is becoming more and more manifest to the people of the Mississippi Valley that the only escape they have from railway corporations, which absorb the earnings of labor, is by opening up and utilizing the great competing line of the Mississippi River and in forming close commercial relations with Mexico and Central and South America by the establishment of a direct line of steamers from New Orleans.

Why shall we expend millions to secure deep water at the mouth of the Mississippi River if we are to adhere to a governmental policy which in effect limits intercourse with foreign nations? Why should the people of the valley of the Mississippi see year after year the profits of their labor and industry go to swell the wealth of railway corporations, while they might command new markets, higher prices, cheaper transportation by establishing direct communication with the countries south of us? To cheapen transportation is to add not only to the wealth of the country, to the national greatness, but to give comfort and the blessings of peace and plenty in the abodes of the industrious working people of the whole country. And it is this general policy of fostering our external relations, of developing our foreign commerce, that alone will enable us to assume that leadership among the nations of the earth which the intelligence, the virtues, the energy, and the genius of the people of the United States must sooner or later command.

Compare the three countries—

In imports:	
Great Britain shows to-day a total valuation of.....	\$1,865,000,000
France.....	735,000,000
The United States.....	466,000,000
And in exports:	
Great Britain.....	1,115,000,000
France.....	805,000,000
The United States.....	722,000,000
Population—	
Of Great Britain is.....	31,857,331
Of France is.....	36,102,921
Of United States is.....	38,558,387

In population the largest; in trade the smallest!

Countries.	Imports.	Exports.
Great Britain.....	\$30,409,000	\$25,167,000
United States.....	7,254,000	45,433,000
France.....	16,280,000	11,060,000
Belgium.....	4,825,000	2,509,000
All other countries.....	35,232,000	15,811,000
Total trade.....	94,000,000	100,000,000

Imports from the United States, \$8,610,646.00.

Chinese Immigration.

SPEECH OF HON. L. B. CASWELL,
OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, March 1, 1879,

On the bill (H. R. No. 2423) to restrict the immigration of Chinese into the United States.

Mr. CASWELL. Mr. Speaker, I have opposed the passage of this bill because I believe we shall hesitate long before we close our doors to the immigration of any class of people who seek to come here of their own free choice. It has been our pride to say to the whole world that we have a country broad enough to admit people of all grades and classes. The Chinese is not a subject of merchandisc. He is not brought here as a slave or sold into bondage. He comes as a free moral agent to seek a home, a place of employment in whatever place he may see fit, whether it be upon the Pacific coast or in the more settled portions of the United States.

The African was captured and brought here as an article of merchandisc. He and his children were doomed to a system of slavery which was disgraceful to any civilized country. It was not the race that disgraced us, but the bondage in which he was held after his arrival. It was the system of slavery which so much disgraced us, and gave us afterward so much trouble; not the existence of the race among us. The labor of the African was peculiarly adapted to the wants of the South, and they are in their sphere useful, and go far to increase the products and prosperity of this country.

Who can say the Chinese may not yet find a sphere of equal usefulness, and yet add, as they already add to the material wealth of the State of California. As has already been said by another, the greatest fault found with them is that they do not take from their employers a sufficient sum of money for the labor they perform, while they may be able to work for a less sum than others dependent upon labor for a living. The same objection may apply to immigrants from other countries than that of China. If this be a valid objection we may say that machinery of all classes, which more than competes with manual labor, shall be dispensed with.

It may be conceded that the Chinaman, in his present condition, is not very ornamental to this country. This is no objection to their immigration hither. We have every reason to believe that after a sojourn in this country, under wholesome laws, where education of the masses is encouraged, labor rewarded, industries promoted, that it will awaken a pride and ambition which will result in a great improvement of his condition, tastes, and habits. They are not an idle race. They are as industrious as any people. They work incessantly, and, therefore, cheaply. They hoard their earnings with an economy worthy to be imitated by the more favored classes; and if they do accumulate and transmit to their own country their savings, we have the satisfaction of knowing—and in fact it is the chief complaint against them—that they performed more than an equivalent in labor for the money they took away. We should encourage instead of prohibit immigration to this country. Let them come. Let them come from every quarter of the globe, and if they are not a good law-abiding people on their arrival, let us make them so. We have a vast unsettled public domain open to settlers; we have mines of untold wealth, and we should admit to our shores whomsoever wishes to come and swell the great rank and file of our people, made up as we now are from all portions of the earth.

Besides, Mr. Speaker, we have a treaty with China which we cannot ignore if we would, and especially by violating a Government principle of national comity. If any country should legislate against the immigration of Americans we would readily condemn that country. Such an example would be unworthy an American Congress, and I for one cannot consent to it.

Prevention of Contagious Diseases.

SPEECH OF HON. W. B. FLEMING,
OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, March 1, 1879,

On the bill (S. No. 1784) to prevent the introduction of contagious or infectious diseases into the United States, and to establish a bureau of public health.

Mr. FLEMING. Mr. Speaker, may I ask the attention of the House for a single moment? I want to say that as hard cases in the courts make bad law so extreme cases in the legislature produce unwise legislation. Standing by the graves of the thousands who fell victims to the yellow fever, we are prompted by humanity (a noble impulse, I admit) to do something to prevent its recurrence, even though we do it at the sacrifice of principle. In this case it would be at the sacrifice of the great principle which underlies the foundations of liberty in our country.

Where, I ask, do we get the power to legislate on this subject? Not certainly in the Constitution, the source of all power in the Federal Government. That instrument says all powers not granted to the Federal Government or prohibited by it to the States are reserved to the people of the States respectively. What article of the Constitution, what clause of any article, confers upon Congress the power to legislate on this subject? What article of the Constitution, what clause of any article, prohibits this power to the States? If there be such an article or clause of an article, they have escaped my notice. If there be no such article, then we have no power to legislate on this subject; if there be no such article, then all power over this matter is in the States. It is really a matter of internal police regulation, over which the States have exclusive jurisdiction and the Federal Government has nothing to do with it.

Take an analogous case. The analogy is very strong, for both cases have reference to the health and lives of our people. If yellow fever has slain its thousands, quackery has slain its ten thousands. If we have the power to enact quarantine laws to prevent yellow fever, then we have the power to put down quackery by prescribing the qualifications of every practitioner of medicine in the Union. There is no difference in the cases. In each case the object is to protect the health and lives of our people. But who believes that we have the power to regulate the practice of medicine in the States? And yet we have the power to do it if we have the power to enact quarantine laws.

Mr. Speaker, this is a revival of the general-welfare doctrine of the old federal party; a doctrine which, if carried out, would clothe the Federal Government with unlimited power. For there is no subject to which this doctrine may not be applied. No matter what the subject may be, we have only to say the proposed law will advance the general welfare, promote the general good, and at once we have power to enact it.

We should watch with jealous eyes all laws encroaching or tending to encroach upon the Constitution. It is the ark of our safety. From the slightest breach in it the spirit of liberty may escape, and, unlike Noah's dove, may never return.

Let us, then, leave this matter to the States where it belongs. They can and will protect themselves, and do it more efficiently without our assistance than with it. I am aware that my predecessor in this seat, a very dear and valued friend, introduced a bill on this subject which became a law. In this I think he was mistaken, and notwithstanding the high respect in which I hold his opinion on any and all subjects, had I been here I would have voted against his bill, and for the reasons I have stated. In other words, I will now and always vote against any bill that trenches upon State rights or tends to trench upon them.

I know the bill provides that it is not to interfere with State regulations. But this is mere theory; in practice it will interfere; at least, collision is possible, and I wish to avoid even the possibility of collision.

The National control over all National Elections is absolute—to regulate the process and to investigate and declare the result.

SPEECH OF HON. HENRY W. BLAIR,
OF NEW HAMPSHIRE,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 14, 1879,

The House having met for debate as in Committee of the Whole on the state of the Union—

Mr. BLAIR said:

Mr. SPEAKER: In the progress of the discussions upon the alleged imperfections of the electoral system or method of transmitting the succession of the executive power in this country, it has seemed to me that the doctrines advanced by the one or the other side were often of far more consequence than the practical evils alleged to exist or the measures proposed to remedy them. Some difficulties have arisen in times past in ascertaining and declaring the result of presidential elections, and it is natural for those who have passed through times of excitement, and have seen the course of events pursue the channel which they selected, to feel that salvation could flow in no other, and to seek in some way to perpetuate the plans and machinery which have once proved effectual. But I believe that if the general principles which should guide public action are well settled, there will be little difficulty in their application to emergencies as they arise so as to secure the public safety and general welfare. Thus, in deciding questions relating to the counting of the electoral vote—to the validity of a presidential election—and especially to the jurisdiction and limitations of the powers of the States and of the nation respectively over such questions both of fact and law as may arise in a controversy involving the transfer of the executive function from one person to another, the settlement of a few leading propositions will logically dispose of the whole subject. It is this circumstance which often renders the reasons given for public conduct in a given case far more important than what is

done, or the manner of its doing. It is of small importance whether any, or, if any, what measure shall be adopted by this Congress to guide—if they choose to follow it—the action of our successors in the discharge of duties difficult, perhaps dangerous, or otherwise, which may devolve upon them in making some future count of electoral votes, however desirable it may be to utilize our experience while its impressions are vivid and the public mind demands that its teachings be embodied in law, compared with the absolute necessity that whatever may be done or neglected *no false theory* of the nature of our Government and of its relations to the States, which aggregated compose the same territory and population, shall receive countenance either in argument or enactment by the National Legislature.

The measure passed by the Senate known as the Edmunds electoral bill seems to me to be wise and consistent with the true theory of our Government; yet the discussions in that body embrace a strange diversity of reasoning and opinion. Grave Senators vote for the bill because they allege that it rests upon the doctrine of State rights, that it recognizes the right and power of the States to settle finally and conclusively all questions growing out of a presidential election. Others vote for the bill because while recognizing the power of the States under the Constitution to practically elect the President, it nevertheless retains the all-essential power in the National Legislature to investigate every step in the process from the casting of the original ballots in voting precincts all the way through the proceedings of the people of the States and of the electoral colleges, and to thus ascertain whether there has been in truth and in fact, in equity and very right, an election, and, if so, to declare it.

The question is all-important. It is not precisely whether the election of the President is the act of the States, or of the people as citizens of the States, and of the electors as State officers, or on the other hand whether it is the act of the nation, through and by the State forms, as an agency used to perform national functions, although that question is of great consequence. But the real question is whether the nation, as such, through Congress, the depository of the national power, has the right and is charged with the duty of ascertaining whether an election has taken place at all and of declaring the result regardless of the records and formal evidence which may be placed before the joint convention of the two Houses.

If the Edmunds bill surrenders to the States the ultimate decision as to the action of the voters living within their respective borders, which decision is conclusive, so that no allegation of fraud or mistake, or violation of right, or of fraud in fact or law, either in that decision or in any of the events preceding it, then its doctrines are to my mind destructive to the national life. If on the other hand that measure, while recognizing the admitted duty of the States to appoint electors, is consistent with the exercise of the sovereign power of the nation through Congress over the whole subject-matter, with a view to ascertain whether that duty has been performed in such way that the will of the nation has been expressed in accordance with the forms and spirit of the Constitution under which we live, and if it shall be enacted upon that theory, then I am heartily for it; and if the opportunity is given I shall vote for it as a wise measure which will give assurance to the public mind, and may hereafter serve to pilot the ship of state through dangerous currents to peaceful seas.

But I desire that on no account, not even to preserve the public tranquillity, shall the remotest countenance be given by our action to a doctrine which would leave to any but the national power the right in the last resort to decide upon the validity of all the proceedings in the transmission of its executive functions from one person to another. Granted that the act is to be accomplished in a certain way through the States as national agencies, and even that it is a State act of a national character, if you please, yet the nation must exercise the power to decide whether or not it has been done. I shall therefore ask the attention of the House to a brief discussion of what appears to me to be the true theory upon which alone any action whatever can be justified.

We are a nation. That is the first doctrine of the republican party; to establish it we fought the war. There can be no nation without law and the administration of law. The enactment and administration of law constitute government. Laws must be made, construed, and enforced. This is so because God has thus ordained it. It is the nature of things. Its three great departments—the legislative, judicial, and executive functions of government—do not exist because the written constitution of a State specifies them; they exist of themselves. The Constitution merely announces their existence, and in secondary matters only modifies their relations and manifestations and their reciprocal action upon each other and upon the nation. The despotic form of government concentrates all these functions in one person; the republican distributes them in every voter of the nation. The ballot is a legislative, executive, and judicial act; it is the generation of law; it is government; it is sovereignty. A system of republican government having once been put into actual operation, these three several and co-ordinate indestructible departments of it must be kept practically alive by the designation of individuals to discharge their functions. That is the business of the ballot; and its use, which is the highest, is also the only sovereign act of the people as individuals. Now, our nation is a nation, and the form of our Government is republican not primarily because of anything contained in the written Constitution. We are a nation because we are human beings inhabiting a given territory, united by

relations and laws and interests created by God and inflexible as nature and fate. Our form of government is republican because no other is possible over just such a people as we now are, for we will consent to no other; and the written Constitution is a consequence, and in no sense a cause. The nation would exist without it; the Government would be republican without it. The written Constitution performs an invaluable function as a compendious statement of principles and laws; but the principles would exist, and the Constitution as such be applied by the people, if there were no written law. The written Constitution involves full implied or unexpressed powers for the preservation of the Government and the safety and welfare of the people. Very much of the constitution of any nation is of necessity unwritten. You might as well say that a man is not a man because he has not a full and accurately written description of his nature and the laws of his being, as that the nation has no constitution, no existence, no power to live and perpetuate itself and its existing form of government in all three of its essential and necessary co-ordinate departments in republican form, simply because the powers specified in its written constitution and the powers implied from those which are written are not broad enough to cover every great national emergency which may arise in the progression of time.

I do not propose to discuss in a general way the question of State and national sovereignty. All concede that in every case which is covered by the written Constitution of the country, with its implied powers, its provisions are the supreme law of the land. Now that written Constitution in express terms declares the existence and undertakes to provide a method for the perpetuation of the executive department of the Government. In every contingency which it covers it is supreme. But if a case arises for which it makes no express provision, or if it is a matter of doubt and uncertainty under its operation whether the act which the Constitution requires to be performed has been accomplished by the people, nevertheless the doubt must be solved and the act accomplished if it has not been accomplished by virtue of implied powers which are indispensable in order to carry out those which are conferred in express terms. The power to elect the Chief Executive of the nation does not exist solely because the written Constitution provides for it. In the nature of things there must be an executive power. The written Constitution declares the fact and prescribes a form which, so far as it is sufficient, is binding and ought to be observed. The written Constitution in express terms devolves the selection of the method and forms of appointing the electors who are to choose the Executive upon the States. But it goes no further. It does not give to the States the right to choose the President. It merely confers upon the States the right and imposes the duty to choose or appoint national officers to perform an indispensable national function. It does not follow that the nation has no control over the matter. On the contrary, the nature of the act performed compels the nation, if it is a sovereignty at all, to control and regulate it, and secure its performance—by the prescribed machinery if it will and does act, otherwise by other machinery to be prescribed by the nation; for that is no nation, that is no sovereignty, which cannot control the perpetuation of any one of the three elements of government, to wit, the legislative, the executive, and the judicial powers, which, co-ordinate and combined and personified by its officers, are government.

The right and power of the State to appoint electors is derived from the national Constitution wholly, and is a national function devolved upon the States in their subordinate, and not in a sovereign capacity at all. In the discharge of this constitutional duty, under the control of provisions of the Constitution of the nation, they are bound to proceed in such way as to preserve and not to destroy the executive department of the Government as the true and honest representative of the national will. Their assent to the Constitution is a formal pledge to perform that trust. No State is sovereign in that sense and to that extent that it can impose a fraud upon the nation. And the nation has, of necessity, the right and power to ascertain whether that duty has or has not been performed. The nation has a right to know that the States to which it is bound to preserve a republican form of government do not themselves make this impossible by destroying the republican form of the National Government itself, through the operation of violence or fraud, or in any other way in the choice of the Executive, or any other method of death to the right of suffrage by the citizen, the exercise of which right is the leading feature of a republican form of government. It is no reply to this to say that the appointment by the State need not be by election, because an appointment by the executive or Legislature of a State itself rests upon the prior creation of the power to appoint, based upon the suffrage of the people. The preservation of the right of suffrage of the people in its original exercise, and all the legitimate results of it, is the preservation of the republican form of government. To guarantee that right in its free and universal exercise to every individual voter is to guarantee to every State in this Union a republican form of government, and it can be done in no other way. That is made the duty of Congress by one of the most solemn and important provisions of the written Constitution of the land. Now, if the nation cannot preserve both the form and substance of republican government to itself, how can it guarantee them to the States?

Again, one of the chief objects for which that instrument was framed, and one of the most invaluable of its specifications of congressional duty, is the promotion of the general welfare. The per-

petuation of the executive department of the Government is as important as its creation, and is of course one of the primary duties imposed both by the written Constitution and the unwritten constitution of this country. Every member of the co-ordinate powers of the Government is sworn to preserve it as an indispensable part of national existence itself. Now, if the National Government has any right to be at all, it must have in the Congress, for it can be nowhere else, the power of self-defense as against the States and against all the world at such times as the executive department is vacant; and also to provide against destruction when threatened beforehand, by preventing in such way as its wisdom may devise the occurrence of evils which it might be found impossible to cure. The first duty of Congress is to preserve the Constitution, of which the executive department is the right arm. That is the official oath. That power and that duty imply the power and duty to employ all means and to enact and enforce all laws appropriate and necessary to that end, not only after the fact, but even to prevent threatened dangers which otherwise might be without remedy. They imply power to decide whether there is a vacancy, whether there has been an election of electors by the people or an appointment thereof by the Legislature or the executive, and to see that the executive office of the nation is filled and its functions performed in all cases whatsoever.

The several States of this nation cannot, by the combined frauds and violence or negligence or secession of all or of any one of them, impose upon the people an executive who is not their free and honest choice, or deprive the citizens of the United States constituting their own population as well, of the right to participate in the choice of the national executive if the State governments fail to provide the necessary forms and opportunity. The Congress in each case may provide the required forms and give the opportunity of suffrage under national supervision alone to that portion of the people who remained loyal to the National Government in such States.

Fraud and violence and intimidation which change the result must vitiate a presidential election, as they do every less important one, even if conducted under the forms of law and sanctioned by the broad seal of a sovereign State. Any other doctrine implies that the greater the crime, the greater the impunity from the proper consequences of crime. And Congress alone, the law-making power, which is the only agency through and by which the people can act, must of necessity exercise that supervisory power of self-protection for the nation if it exists and is exercised at all; and if that right does not exist the right of self-defense does not exist, and we are no nation at all.

But it is said that the electoral colleges are creatures of the State and not of the United States, and that this is apparent not only because the Constitution delegates to the States the appointment of the electors, but also because, in case of failure of the electors to choose, the President is to be elected by the House voting by States, and that a majority of the States shall be necessary to a choice. The argument is specious but unsound, and in fact the proper conclusion is precisely the reverse. Each State appoints electors and controls the election of President upon the basis of its relative consequence as an element in the nation. The State is guaranteed this right and charged with this duty by the Constitution. That is to say, the nation appropriates the State machinery and the States themselves as an agency of the nation to perpetuate its own executive power, and it must have the power to know whether the end is accomplished, and, if so, how it is accomplished. The State is represented as a population by a number of electors equal to its membership in the House of Representatives, and as a State autonomy by two electors for each Senator. But populations substantially dictate. A few of the large States control the many small ones. But the electoral colleges failing to elect and the House proceeding to do so, the State autonomy, as such, is wholly unrepresented, and the State representation in the electoral college is supplied by the specific provision that the House shall vote only by her Representatives, who are chosen by the people, and that a majority shall be necessary to a choice.

That is to say, the Representatives of the people elect the President just as the people choose the electors, but the electors corresponding to the Senators—representing the States as States—disappear, and only the representation of the popular element remains. The act of the States in choosing the presidential electors is by virtue of a delegated and not an original or reserved power, and it must be exercised in accordance with the requirements and to carry out the purposes of that Constitution which created the power and subject to the necessary conditions of national life, of which the honest and just election of the President is one and indispensable, and that in the exercise of that power and the discharge of that duty the Constitution will of necessity supervise the States, as the principal controls his agent and ignores its acts, as between itself and its agent when for any reason the agent defeats the acts authorized and required by the nation to be done.

Now, it will not be claimed that a choice of President by the House is a choice by the States simply because a majority of the Representatives in each of a majority of all the States is made necessary to a choice. It is still the act of the House of Representatives of the nation, and therefore a national act, and this is only a provision as to the nature and preponderance of the majority. How, then, if it is still the act of the House of the nation, (which is always chosen by the use of State machinery, as well as the electors,) can it be argued that the electors are merely State officers because appointed under

forms provided and administered by the States in discharge of a duty which they assumed by ratifying the Constitution, and that therefore the action of the States is final? It is a false analogy, and misleads, like the gases of the swamp.

Again it is said the final tribunal must be somewhere. Why not leave it with the States? There may be fraud or mistake in the final action of national tribunals. Certainly, but if the nation thus chooses to commit suicide or to destroy the rights of the people, then and not till then do we arrive at the inalienable reserved right of revolution. Any other theory is inconsistent with the supremacy of the nation in its own sphere of existence. Whoever surrenders this control by the nation over the perpetuation of its own executive power has destroyed the nation; or if the word nation is not relished, then I say he has destroyed the Constitution of the United States and the sovereignty of this Union over the States in whatsoever relates to its own existence.

The Constitution says emphatically, "each State shall appoint a certain number of electors," &c. Now, is it for the party upon whom a duty is imposed to decide whether or not that duty has been properly performed? It seems to me that to ask that question is to answer it in the negative.

The act of the State is simply the exercise of a power intrusted to it under the national Constitution, the preservation of which is the highest duty imposed upon Congress.

If it is alleged by petition or memorial, or in any proper method of access to the ear of legislative power, that the national presidential election is void in any State, or that the appointment of the electors returned or their action should be set aside for any just cause, I believe that we are no nation, no sovereignty at all, unless Congress can investigate, try, and decide upon that charge. Should time be wanting, then Congress should and can provide, as it has already provided, by law for the discharge of executive functions during the interregnum of the succession, and while this power of government, "incapable of annihilation," is temporarily returned to the Legislature as the immediate representatives of the people at large.

Now, when there has been an attempt to choose the President under the usual forms there are only two questions to be settled: has there been an election? if so, who has been elected? These questions must be settled. How? By evidence. But the use of evidence implies the existence of some tribunal to receive it and to decide the question to which that evidence is pertinent. What is that tribunal? All must concede that it is, first, the President of the Senate; or, second, the two Houses of Congress in joint convention; or, third, the House of Representatives or the Senate acting separately; or, fourth, the President of the Senate, subject to an appeal from his decision, which decision may be vacated by such appeal when sustained by the separate or concurrent action of the two Houses; or, fifth, by the two Houses acting separately but concurring.

Waiving for the present the inquiry as to which of these is the tribunal, or which is the final tribunal, let us examine the nature of the evidence which may be addressed to it. That evidence must be had which is contemplated by the Constitution, or its absence must be satisfactorily accounted for, as in the trial of any other case in any other court, and then the fact may be proved by evidence of a lower degree. The Constitution and laws require the highest evidence attainable; that is the record. The Constitution requires two things to be done, which must be proved to have been done: first, that the States shall appoint electors; second, that the electors shall meet, organize, vote, make up their record, and transmit the evidence of their action in the form of a record.

The evidence laid before the tribunal must show that these requirements have been complied with; otherwise there will be no votes to be counted, and hence no election shown. The highest evidence of appointment of the electors is the record, or an attested copy of the record, of the government which is at the time fixed for the election known and recognized by the United States as the legitimate government of the State; and pretended record evidence from any other source is not evidence at all. The highest evidence of the action of the electors is their record, or a copy thereof, duly certified. That evidence from State electors makes a *prima facie* case. When undisputed, this evidence is conclusive, and the President of the Senate by mere inspection can at once declare the result. But record evidence may be impeached as well as any other. Fraud and murder cannot write their own record in the blood of innocence and make its falsehood the source of legitimate authority.

The Constitution says that when the certificates are opened the votes shall then be counted; and nothing else is to be counted. Now the first question after the opening of the certificates must be, Are these things votes? Assuming that the record of the appointment of the electors is properly authenticated by the State governments existing at the time of the election and recognized for the time being by the United States, and that the record of the organization and action of the electoral college conforms to the requirements of the Constitution and laws of the land, there is then a *prima facie* case in favor of the vote of each electoral college as its record shows it to have been cast. Such a case must stand until the record in its favor is impeached affirmatively. But whatever the record may show on its face, there are no votes to be counted if the record is false, and there must be some method in which its falsehood can be shown, or the record itself constitutes revolution and the right of forcible resistance at-

taches at once as against any pretended authority set up under the fraud.

At this point it is thus argued with great force. True there is the right to hear and settle allegations of fraud and violence in the elections, but it is confined to State authorities and State tribunals. The polls may be purged by the inspectors and moderators and by the returning boards—all existing under State authority—and their finding, if false, or even if there be no finding at all, provided they make a record, is conclusive upon the nation. But that doctrine at once surrenders the right of the nation, as such, to perpetuate its executive power: in other words, surrenders the sovereignty of the nation to the States. It is no reply to say that the nation itself has placed it there by its own Constitution, for it is impossible that the nation has placed the keeping of its own life, without the right to take it again, in the hands of an alien and, as we have seen it in this generation, a hostile power, intent upon its destruction by arms. It is impossible to construe the American Constitution as an abdication of the right of self-defense. Whatever powers are exercised by the States in reference to the election of the Executive are exercised under and by virtue of, and subject to, the supervision of the nation itself. The written Constitution requiring that a President be elected is the supreme law of the land; and an election by fraud is an impossibility, and the right of self-preservation implies the power of the nation to judge and decide as to whether an act has or has not been done which involves its own existence and the legitimacy of the succession in its great departments. Besides, even if the nation, as such, cannot know whether the very essence of a republican form of government has been destroyed by fraud and violence imposed upon the individual in the attempted exercise of the suffrage at the polls and in the effort to cast a vote essential to the existence of the nation itself; and even if the States, as such, have final jurisdiction of the appointment of electors, how does that help us when these spurious electors, whose appointment is protected by the record of a State, the offspring of crime, themselves organize and proceed in fraud, receive bribes from candidates, peddle out their high functions for lucre, power, or other base incentive? Are these electors absolutely almighty and totally irresponsible, and is their action beyond all human law except revolution? Their record does not fall under the supervision of the State, and we are told that it is not subject to question by the nation. Can that be so? A *casus omissus* by the Constitution, is it? No, sir; that is to enact self-destruction into constitutional law. Why, to say that is to say that there is no Constitution, written or unwritten. The right to exist, the right to have a President at all, implies the right to find out who, if any one, is elected; and by what conceivable way can that be peaceably ascertained except either by the President of the Senate or by Congress, the general depository of power by the Constitution? There is no other way, except by ignoring all forms known to us, by the people acting in their primary capacity, which would, in cases of doubt and conflicting claims, be certain to result in violence.

The electoral colleges throughout the country cannot discover wrong in their own proceedings. They have no unity of action, no supervision of each other. They have no aggregate capacity of action. Their constitution, methods, and brevity of existence deprive them of all power to protect and supervise the purity of their collective action. Their act is national in all its objects and consequences. It has nothing to do with the States as such. No possibility exists of review or correction of their proceedings, or of ascertaining what in the aggregate they have done, except by Congress or the President of the Senate; and we are told that upon the possible corrupt and perverted action of such an irresponsible conglomerate of disintegration, provided they have made a record of their crime, depends the existence of the Government, without possibility of review or protection by the nation itself, or in fact of ascertaining what they have really done or whether they have elected a President at all. The States cannot do it. The nation cannot do it. The various colleges cannot do it from the nature of their relation, or rather want of relation, to each other. It cannot be done at all. The thing becomes absurd. The right to appoint electors belongs to the States, but they must exercise it in good faith or it reverts at once to the nation. It is a sacred right. But it is more—it is a duty; and in both senses the privilege is created by, and derived wholly from, and in its exercise is subject to, the Constitution of the United States; in other words, to the national power. It is not a reserved right of the States. How could the States reserve that which did not previously exist? The people of the United States create the Constitution. That Constitution in express terms vests the executive power in the Presidency, and provides for its succession. That Constitution is the supreme law of the land. If every State in the nation should refuse or fail to appoint electors, the Presidency would survive, the nation would live, the Constitution would still be supreme, and Congress must provide by law under the Constitution for the temporary discharge of the executive function until an appointment of electors can be secured through the prescribed forms; or those forms failing, then through new forms to be provided by Congress, whose first duty is to make all laws which the emergency requires to preserve and carry out the Constitution, which expressly requires that there shall be a President. While the States have the right to appoint they have no right not to appoint; and a pretended appointment by fraud, or in violation of a free and honest ballot, is not an appointment. Now, has not the nation a right to investigate for

itself and to know whether that right of the States has been exercised; whether that duty has been performed? In how many of the southern democratic States of this Union was there a dishonest and void appointment of electors at the last presidential election? I trust that men who believe in the existence of this nation and the preservation of its essential powers will pause before they embrace a doctrine which puts that existence in the hands of those who have been its deadly foes, and who now have recovered power. The doctrine is suicide; not because certain States have been hostile to the nation, but because any of the States hereafter may become so. There is to be a future as well as a past and a present, and we owe it to our children that after the prodigious sacrifices of a gigantic war fought upon this very issue we bequeath to them an inheritance containing the possibilities of peace. Those possibilities are all dependent upon the supremacy of the nation in all the essential national powers, of which the succession to the Presidency is one of the chief.

CONCURRENCE OF BOTH HOUSES TO REJECT THE PRIMA FACIE CASE.

By the provisions of the Constitution the President of the Senate must necessarily produce the certificates. Those only are certificates which emanate from the recognized governments of States. If there are any States without recognized State governments which have sent certificates and returns, then Congress must recognize or reject as it shall recognize or otherwise this or that pretended government of the State in question, and the President of the Senate is to open the corresponding certificates. The certificates become at once a part of the public records of the country. They show for themselves *prima facie* whether they are votes of electors or not. They are the highest evidence known to the world. How can they be got out of the records of the country? Only by impeaching their validity affirmatively upon such grounds as make any record void and constituting that impeachment a part of the same record; and until that has been done by the concurrent action of both Houses in their separate capacity they stand as votes upon the record, and they are the proper basis of title to the Presidency, whether there is any formal declaration of the count or not, whether Congress or the President of the Senate, both or either, count or refuse to count them. Every citizen of the country is bound by that public record, and the man who appears by that record to be elected would in law be the President as soon as the term of his predecessor had expired and he had himself qualified by taking the oath of office. The computation and the declaration of the aggregate is formal matter; and although the Constitution requires it to be done, I believe that it is sufficiently done upon the principle of law that that is certain which may be made certain, by placing upon the files and records of the country in the presence of the Houses, if they will attend, and in their unlawful but impotent absence, if either of them will not attend, the electoral certificates and returns. The inauguration is simply the taking the oath of office before a competent magistrate, and need be attended with no other ceremony whatever. And whoever has title thus obtained to the office must be President, and would be sustained by the country.

This gives to the action of the States all the effect and validity it should possess. It leaves the way open to save the Government and the nation when fraud and violence have disfranchised the people and the alleged election has been only a farce or a crime. It retains in the hands of the nation its sovereignty. It protects it from the danger of usurpation by the States, of usurpation by the President of the Senate, and from the ambition of turbulent demagogues who might undertake to defeat an actual election in order to secure their own elevation by the action of the House of Representatives.

I wish, sir, to explain this view more specifically. I think the proposition that a fair record of the appointment of the electors coming from the recognized State government, and of their organization and action coming from the electors, creates a case which like the judgment of an inferior court, or the presumption that every act of a public officer is properly done until the contrary is made affirmatively to appear, is sound law. Upon such a case unquestioned the counting and declaration of the votes must at once proceed. But the moment that allegations of fraud and violence in the appointment or in the action of the electors are made, then those allegations affecting the merits and forms of the election from the beginning must be heard and decided. Because they are a denial of the *prima facie* case, a denial that what purports to be votes are votes, an assertion that they are counterfeit, and therefore that there are no votes to count at all, and to refuse or neglect to investigate and determine such a charge is to become a party to the fraud and the violence, if fraud and violence there be; and if, by such action, that is set up as an election which was not an election, or that man is inaugurated who was not really chosen, then the act becomes usurpation under a prostitution of the forms of the law. It is no reply to say that there is no time. There is the whole great hereafter in which to ascertain the truth, and unless it is done there is no hereafter to the nation.

Will some doctor of laws and professor of political philosophy inform us in what better way this nation, or this or any other Congress can spend its time than in ascertaining whether or not popular liberty has a mortal disease, and is even already struck with death; whether or not the free suffrage is abolished and rampant minorities have erected their supremacy in captured States upon the debris of national republican government?

It is no reply to say that Congress may expire before the investigation is concluded. That at the worst is the same circumstance as the death of a judge or of a jurymen, or the sickness of either, or of a party in the trial of a cause in court. The trial is in order at the next term. There is always a Congress. It is no worse than the known case of failure by the House to elect by the 4th of March after their jurisdiction has attached by the fact having been ascertained that no election has taken place. The Senate chooses meanwhile the temporary executive, and either the old Congress should proceed to the completion of the count as rapidly as practicable or the new Congress should proceed *de novo* to ascertain the fact whether an election has taken place; for until that is ascertained it cannot be known whether there is to be a new election; or, as each certificate is to be opened and counted in its turn, it might even be that the new Congress assembling at once after the expiration of the old one might properly treat the count as valid and concluded so far as it has gone, and proceed to open the remaining certificates and complete the count and declare the result. It is an indispensable condition that the vote be counted and the fact ascertained and recorded whether an election has taken place before one can be ordered either by the people or by the House. Some Congress must count the votes either before or after the 4th of March, for no new election can be made either by the House or by the people until it is settled by an actual count of the electoral votes that no election has really in fact taken place.

All directory provisions regarding dates and forms of proceeding in the Constitution and the laws give way at once to the substance of the great case, and it creates its own forms, methods of investigation, and rules of evidence, as the giant compels the cut of his clothes, and this being so, any Congress can complete its duty by the 4th of March as well as any State can be required to adjudicate all difficulties by the 1st of January. All these questions of dates and forms must yield to the great question of ultimate supremacy between the State and nation in what appertains to the national life.

It is incredible to my mind that the President of the Senate is, in any constitutional view, the proper tribunal for such investigation. No power but the legislative power residing in the two branches ordained by the Constitution with a negative upon each other, and capable only by concurrent action of arriving at any decision whatever—Congress alone, that great reservoir of the power of the people, charged with and sworn to the preservation of the Constitution and of the Government in all its departments and powers, a trust which is incapable of enlargement, diminution, or delegation—can be, in the nature of things, the proper tribunal for the trial of such a case. It would be so wholly irrespective of the incidental provision of the Constitution that both Houses shall be present at the opening and counting.

The issue under our forms can hardly arise until they do thus assemble; but their jurisdiction of the cause is innate, unavoidable, indestructible, inalienable, except by revolution. It is said that the language of the Constitution confers the power of determining all questions which can arise properly upon the President of the Senate. He is the custodian of the certificates. He opens them in presence of both Houses, and "the votes shall then be counted." That is the language. It is ambiguous. It does not even say that he shall count the votes. But admit that the fathers meant he should do so; they did not say that he should, and if the public good requires, it is our duty to construe doubtful language for the preservation of the Constitution, which was the paramount purpose of those illustrious men, and to prevent the exercise of a one-man power which would be most dangerous to the liberties of the people. It is as fair, upon the express language of the Constitution to say that the Congress is to count through the presiding officer as its agent as to say that it is to witness, and thereby tacitly approve, a great transaction in which it cannot interfere even to prevent the consummation of revolution and usurpation under the forms of law.

The Constitution does not say expressly who shall decide the question, "What are votes?" but that is a question over which it is impossible for any tribunal but Congress to have jurisdiction. No other theory stops short of tyrant.

When it is settled what are votes, it is a matter of indifference who counts them, provided he has sufficient mathematical skill. If it is said that the fathers would have expressly provided that Congress should try such a case had it been designed to confer the power, it seems to me sufficient to say that the idea does not appear to have entered their minds that such questions could ever arise, for they did not in terms provide any tribunal to settle what are votes; and hence the power and duty devolve upon Congress, because in such an emergency there is no other way, in the absence of legislation, in which the Constitution and the nation can be saved.

When Congress has tried the case, whether in one week or one year, and arrived at and announced its decision, then only can it be known whether there has been an election, and, if so, who is elected; and until that fact is ascertained it is not possible to order a new election. Should the Houses arrive at opposing conclusions the *prima facie* presumptive case, if there is one, must stand according to the analogies of all legal proceedings. To say that one House or the other will refuse or fail to act or will act wrongfully, is to say that it will revolutionize the Government. The thing is impossible until the country is ripe for destruction. If it should fail, then the *prima facie* case would stand, because such conduct by either House as to refuse to try

the case would leave the other at liberty to proceed alone or in conjunction with the law-abiding minority of the insane or treasonable body, or the trial would thus be broken up and the original case unimpeached must stand. Nor can it be claimed that our fathers were very clear that the Congress itself ought not to be made the proper body to elect the President, ignoring even the people themselves, for more than once in the progress of their debates they solemnly voted to deposit in Congress that transcendent power. Any tribunal may fail to perform its duty, but will you in the last resort submit the question of national existence to the nation itself acting through the sworn representatives of its own people as individuals and its own States as States in Congress assembled, or to other sovereignties whose hostility or imbecility may be alike destructive to national life? That is the question. It seems clear to my mind that the power of determining whether there are votes to be counted cannot be vested in the President of the Senate. The language of the Constitution is not explicit. It is perhaps in itself as capable of being construed in favor of one view as of the other. Probably the framers wholly overlooked the case which lately arose and is liable again to arise—the possibility that the record would be untrue. Doubtless they supposed the whole duty would be as plain and simple as the inspection of the form of the record and the computation of the votes. Yet even with that view of the nature of the transaction they secured good faith on the part of the President of the Senate by requiring his act of opening and computing to be performed in presence of both Houses of Congress. As witnesses they must be able to say whether there is fraud or falsehood in the act; they must then inspect the returns and the votes, and what is being counted as well as how that counting is done. If, then, the power to count properly implies the power of deciding what is to be counted, the witnesses must necessarily have jurisdiction to inquire and know the facts which by their presence and silence or dissent they authenticate to the American people. Should the trial of questions of fact become necessary, it seems to my mind clear that both Houses, including the President of the Senate, with power to vote as in any other case, not as a joint convention, but in their separate capacities as they have acted in legislation and in counting the presidential vote from the beginning, concurrent affirmative action being required to invalidate the presumptive case made by the record, become from necessity the tribunal to decide.

The Houses must in such case establish their own forms and methods, they may probably even investigate matters of fact and decide questions of law in their separate capacity, each in its own Chamber, reassembling and proceeding with the count when they have done so. The power to try this case then is in Congress and is placed there by the Constitution and by the nature of things and by the law of self-preservation. It is nowhere else and cannot be devolved upon or parceled out or assigned, sold, or delivered, or divided with any other tribunal or agency whatever without overthrowing the foundations of this Government.

In conclusion, sir, I am glad to say that I find in the bill of the majority of the committee the all-essential element of national sovereignty fully asserted. I hail it as a harbinger of peace and of national permanence, for the old controversy between the doctrines of the national supremacy and that of the States must cease. This country cannot remain divided sectionally upon any great pecuniary interest or political principle or moral sentiment without war. The present consolidation of the South as an aristocracy will forthwith be confronted by the consolidated republican North. The country cannot long exist with these hostile principles, respectively paramount in large sections and controlling numerous populations. One principle or the other must yield to the peaceful forces of public opinion formed upon free discussion, or to the judgment of the battle-field. Whoever thinks otherwise insults his own intelligence; whoever believes it, is false to his country unless he proclaims it. It is a consummation most devoutly to be wished that the great democratic party should ratify the action of the majority of the committee in the repudiation of the doctrines of its former advocacy, in support of which it plunged the country into the tremendous conflict just closed. When this doctrine of "State rights," which caused the war of the rebellion, shall have become as dead as those who fell in its defense or to crush it; when no legislator proclaims it here or elsewhere, and no child lisps it at his mother's knee or imbibes its accursed virus from the text of the book from which he gleams the rudiments of education; when at last we shall have grown up to the full stature of a continental citizenship and of a patriotism which beats in great tides like the ebbing and flowing of the ocean, and not like the transient agitation of an inland pond; when—as some time it will be, although coming wars alone may be the dreadful alchemy which shall cement our national integrity in seas of gore drawn from the veins of our precious sons because we have failed in our time to comprehend the full significance of the issues for which this generation bled and so many of it died, and thus I fear have lost some of its greatest opportunities and have surrendered principles and vantage-ground for good, the loss of which will cost more than we wot of yet, when in the future, coming as sure as God lives and his sun shines on our soil, we shall have forgotten that we are northerners or southerners, that we were born in Massachusetts or Carolina, in New Hampshire or Georgia, in Texas or New York, and remember only that we are Americans, equals everywhere, and in everything a unit against all other nations, and yet against them only, as we are the champions of humanity at large; when our flag shall

be to every human being in our borders the sacred guarantee of brotherhood and equality and to the whole race the ensign of its highest aspiration and hope, then, sir, reviewing a history written so largely in blood, we shall see, as now we may not, how dangerous it is to give the slightest countenance to a false principle. We are a nation and we cannot prevent it. We are not a collection of States and we cannot become so, if we would, without destroying all that makes life desirable in any capacity. To enact a law which recognizes a doctrine at variance with the natural transmission of the co-ordinate national powers by the nation itself, is as impossible as to generate one form of physical life by the agency of some other form. Mongrels exist, but violated laws will have expiation. National sovereignty cannot yield the transmission of its powers to any other type of sovereignty. And hence it is that I hail with supreme pleasure the enunciation of what I believe to be the doctrine of national sovereignty in all that relates to itself by both the measures pending in Congress relating to the transmission of the executive function of this Government.

I favor the bill of Senator EDMUNDS because I conceive that its provisions will prove to be the more specific and easily applied in practice. At the same time I shall be sorry in case it should fail to receive the approval of the House to also see the measure of the majority defeated. Not that I believe either bill to be very essential to the welfare of the nation, but because I believe that both contain the assertion of a great principle to establish which beyond all question as the corner-stone of our liberties and the guarantee of the perpetuity of our institutions every true lover of his whole country ever should be ready to lay down his life.

But, sir, I have full confidence and abiding faith that Congress possesses and will hereafter possess as much of patriotism and capacity as the occasion demands; and until such time, which may benignant Heaven postpone forever, as our people shall have become unfit for liberty, and our political fabric shall totter and fall from its own degeneracy and decay, I shall hope that the Congress of America may prove faithful and competent in every emergency, preserving the balance of power between the co-ordinate branches of the Government, asserting the rights of the National Legislature, and exhibiting due dignity in their exercise, upholding the integrity of the Constitution and the supremacy of the nation, and demonstrating to the world on every august occasion the vigor, sufficiency, and permanency of our institutions.

Opposition to Subsidies.

SPEECH OF HON. B. S. FULLER,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 14, 1879,

On the bill (H. R. No. 4298) amendatory of and supplementary to the act entitled "An act to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and the several acts amendatory thereof and supplementary thereto.

Mr. FULLER said:

Mr. SPEAKER: I shall not attempt to discuss the bill in detail, but confine my remarks to its most objectionable features.

The third section of the bill authorizes the Texas and Pacific Railway Company to create, duly execute, and deposit with the Secretary of the Treasury registered or coupon bonds (to be denominated Issue A) to the extent of \$20,000 per mile; the whole road to be constructed in accordance with the provisions of the bill except that part of it running through the mountain region, in extent about two hundred and fifty miles, for which bonds are to issue at the rate of \$35,000 per mile; the total of said issue to cover the cost of construction and equipment of the road, including its telegraph lines, stations, shops, and so forth, and not to exceed \$31,750,000 for that part of the line from Fort Worth to San Diego. And the said company are authorized to issue a second series of bonds (to be denominated Issue B, and to be deposited with the Secretary of the Treasury) to the extent of \$5,000 per mile for the whole road, and provides that both issues A and B shall not exceed \$38,750,000 for that part of the line from Fort Worth to San Diego, said bonds to be secured by a first mortgage and be made payable in gold fifty years after their date, with coupons for interest payable half yearly in gold coin at the rate of 5 per cent. per annum; and the Secretary of the Interior shall for and in the name of the United States indorse a guarantee of interest on the bonds so issued and deposited by such company.

It is further provided in the bill that "to secure the principal of this bond and the payment to the United States of the interest as it shall mature, the Texas and Pacific Railway Company shall execute a first mortgage on the railway to be constructed as aforesaid, with its equipments, buildings, and property of every kind appertaining thereto, and necessary for operation thereof, including all lands granted by the State of Texas for the road constructed in said State west of Fort Worth, to aid in the construction thereof, as set forth in said mortgage duly filed in the office of the Secretary of the Interior of the United States."

The bill declares (page 8) that the aggregate amount of the bonds of the Texas Pacific Railway Company to be issued under its provisions shall not exceed in any event \$38,750,000 on that part of its line from Fort Worth to San Diego; and the Government liability for such guarantee of interest shall not exceed \$1,937,500 yearly, which shall be secured by a first mortgage, &c.; and that the Texas Pacific Railway Company shall relinquish to the Government all its right to the lands heretofore granted to it by the act of March 3, 1871; and that the Government "shall take charge of said lands and sell them" at a price not less than the Government lands within railroad reservations are authorized to be sold under the law.

On page 14 I find the following language:

And in order to place this lien in permanent form it shall be the duty of the Texas Pacific Railroad Company, after its acceptance of this act and before the delivery of any of the guaranteed bonds, to file a mortgage with the Secretary of the Interior, duly executed under its corporate seal, and properly recorded, to secure the said bonds and the interest guaranteed by the United States and the sinking fund required to be paid under the provisions of this act.

And the bill further provides that the "five-thousand-dollars-per-mile bonds" (Issue B) shall be held in the Treasury, and when the assets from other sources are not sufficient to pay the interest then the Treasurer must sell the bonds to make up the deficiency, and when the earnings and revenues of the company from all sources, after the completion of the whole line, shall be sufficient to pay all the guaranteed interest for the company the bonds so retained, not sold, are to be delivered or paid out by the Secretary for the construction or purchase of additional tracks, equipments, shops, and machinery, or for permanent improvements required for the use of said company.

Now, Mr. Speaker, there is no provision in the bill fixing a price for which the bonds are to be sold. Certainly a most important matter; and there is no clause in the bill to prevent collusion and combination between the railroad company and the construction company in the matter of the sale of bonds by the former to the latter at a discount, and holding the first lien on the railroad and all other property named in the mortgage. There being no guards or restrictions in the bill as to the sale of the bonds, the company could under its loose provisions buy all the bonds to be issued for the construction of the road as soon as the first section of the road had been completed—a very suspicious oversight indeed on the part of the framers of the bill. One conclusion I am forced to accept on reading the bill is that the principal of the bonds will constitute the first lien, the declarations on page 8 of the bill and the opinions of gentlemen on this floor and in the lobbies to the contrary notwithstanding. It appears to me that the bill is so framed as to sanction what ought to be its bounden duty to prevent.

Another very interesting part of the bill is, that it provides for the issue of \$20,000 in bonds per mile, Issue A, and also another series of \$5,000 per mile, Issue B, to pay the interest on the former Issue A, or twenty-thousand-dollar bonds. Why not carry out this wise financial policy by issuing another series of bonds of less amount, to be denominated "Issue C," for the purpose of paying the interest on "Issue B," and so on—establishing a patent interest-extinguisher or financial perpetual motion? But perhaps the most novel feature of the bill is that the railroad company is to relax its grasp, and free-handed, with one grand and generous impulse, relinquish to the Government its claim to eighteen millions of acres of public lands—which they have forfeited long ago by not complying with the terms of the grant made in March, 1871, which expressly stipulates that the Government must sell the lands granted for \$2.50 per acre and apply the proceeds to pay their indebtedness, &c. In other words, we must sell eighteen millions of acres of the people's land for \$45,000,000 and pay this large sum to liquidate the indebtedness of the railroad company. Is it not exceedingly kind and munificent on the part of the company to make such a sacrifice of what does not belong to them? The lands involved, if cut up into homesteads, would furnish farms for over one hundred and thirty thousand homeless families, and to that extent make good the solemn promise of the Government to the pioneer settler and the emigrant—the gift of an estate equal to an empire, and in the hands of a corporation. Think of it! And now comes this poor and distressed corporation again, and in piteous appeal covered by the provisions of this artful bill, like Oliver Twist, asks for more. By all means the appeal should be granted. Let us ladle out the cash of the Treasury to starving corporations. Let it be the first business of Congress to help the rich—the poor can beg, and in vain—though taxed to the utmost in order that the coffers of monopolies may overflow. Let class legislation thrive for the sake of the overflow.

The bill also provides that should there be any bonds remaining in the Treasury of Issue B after the completion of the road they should be turned over to the company to "build other tracks, equipments, &c." I submit that it would improve the bill and its chances for passage to say that "said bonds shall be canceled and destroyed." Now, Mr. Speaker, in the name of reason and justice and in the name of the millions of overburdened, tax-ridden laboring people of this country, why should this bill pass, giving forty-five million dollars' worth of land, due to these very same laboring masses, to a corporation, and then tax the people for the next fifty years, to do what? To build a road "that begins nowhere, runs everywhere, and terminates in tide-flats of the Pacific Ocean at San Diego;" and that, too, in the face of the thousands, yes, millions, of settlers who are petitioning Congress and protesting against the wanton waste of their heritage, and when there is pending a bill which is represented by a company

of enterprise and reliability who are anxious to build a southern trans-continental railroad, and subject to the most rigid restrictions, without a dollar of subsidy and without putting the (proud) South in the unfortunate and humiliating attitude of trumpeting to the world an impoverished condition and begging Congress to aid them by the doubtful ways and means of this bill.

But above all, in the face of a pending bill (H. R. No. 3544) which would answer the prayers and heed the protests of the masses, which, in the language of the report (No. 911) accompanying the bill—

Would remit back to the mass of the public lands, to be made a part of the domain of the United States and subject to speedy actual settlement, nearly if not quite one hundred million acres of the public lands granted by Congress to States and corporations, to aid in the construction of certain railroad and telegraph lines, and which have not been earned by said States and corporations, but have been forfeited by their failure to perform the conditions of their respective grants. A large portion of these grants have been withdrawn and withheld from settlement for more than twenty years, thereby defrauding of their rights an army of homeseeking settlers and the public Treasury of the millions which would have resulted from the development of the vast domain thus withheld from settlement and cultivation.

And, Mr. Speaker, in this connection I wish to mention two other important measures in the interest of the actual settler. Of the eighty favorable reports from the Committee on the Public Lands waiting opportunity to be considered on this floor they are perhaps the most important. The one is House bill 1051, which—

Creates a contract between the Government and the actual settler, whose claim shall constitute a vested right of property, to be forfeited only by his neglect or refusal to comply with the conditions prescribed by the law under which he claims.

In other words, it gives to the settler rights which monopolies are bound to respect. This bill was slaughtered in the house of its friends at the last session by a motion to recommit, although it was carried in this body nearly ten years ago by a large majority when reported from the Committee on Public Lands by Mr. Julian, of Indiana, then its chairman, and after a full discussion of its provisions. The other is House bill No. 6084, the provisions of which repeal the preemption law and obliterate the avenues of fraud which pervert it, and turn over as a free gift to the homestead settler only the agricultural lands of the country. In other words, no lands but for the actual occupant and tiller of the soil, and thus it will wipe from the face of the public domain the vultures and sharks of land speculation. And yet with these wholesome and legitimate propositions before us, we have only time to discuss subsidy propositions. For this wanton waste of time what answer shall we make to our constituents?

We are told that this bill ought to pass in order to give us competing lines of railroad to the Pacific Ocean. This bald assertion is refuted by the fact that the so-called competing lines would be at least six hundred miles apart; and I submit if this road is to be subsidized and built merely for the sake of competition it will be scarcely worth the price of its survey. A railroad which would be unable to create a traffic proportionate to the cost of building and operating it and pay a reasonable interest on the investment, flanked by forty miles of our average territory, certainly would be a wonder to railroad financiers.

The restrictive clause at the end of most railroad bills which reserves to Congress the right to alter, amend, &c., if promptly acted upon when railroads become exorbitant and oppressive in their charges, would probably settle the "competition question."

We are told that when measures of great importance are pending in Congress demagogues seize the opportunity to play upon the prejudices of the average ignorance of the people, and with the power of popular clamor are able to defeat enterprises of the highest public interest; and already the slang of the lobby has been directed with impudent emphasis against members who oppose this measure.

The reasons I have already given are sufficient to influence my vote against the bill reported by the honorable gentleman from Tennessee, [Mr. HOUSE;] but there are other reasons of more importance, and which I trust may not escape due consideration as debate proceeds, and which may hasten the conclusions of other gentlemen on this floor to aid in its defeat.

It has been confidently stated that the Government will not have to pay any of the interest; that the proceeds of the sale of the lands and the receipts from the earnings of the road will meet all demands as they become due; and if we should have the interest to pay, that we are fully secured, &c. And to convince us that this assertion is true they tell us of the large surplus they have per mile over and above the expenses of the road now completed. I apprehend that we will see no more exhibitions of "profits per mile" if this bill or a similar one becomes a law.

I oppose this bill, among other reasons, on the presumption that the company will not pay one dollar of interest on the bonds, except in the way of transporting troops and supplies, mail matter, and telegraphing; and there is no clause in this bill that compels the company to pay any more, unless it can be shown affirmatively that a surplus of the company shall be applied in that way; I do not believe such a showing will be made, at least before the bonds fall due, and I am forced to this conclusion for two reasons. I will mention first, and what I consider the strongest, that it would be to the interest of the company to hold the money and use it in such ways, by loans or investments, as would increase its volume. They would not think of paying off non-interest-bearing debt when they could loan their money at even a low rate of interest. The other reason—and which has consid-

erable weight with me—is that moneyed institutions in this or any other country have not confidence enough in the showings and promises of this company to invest a dollar in their bonds. Capital seems to be endowed with wonderful sagacity to protect itself. The banks are far-seeing, far-reaching, and exacting in their transactions, and while their coffers are full to overflowing with idle capital waiting for secure investments and at low rates of interest, why do they refuse the invitation of railroad corporations to accept their securities and advance the money to build their roads? Why do they not buy their bonds upon which they promise to pay principal and interest in gold at 5 per cent. semi-annually? Is it a lack of confidence on the part of the banks in the integrity or the stability of corporations to make good their promises? And why do not the friends of this bill, who seem to have such vital interest in this enterprise, show their confidence in its honesty, its necessity, and its capacity to pay principal, interest, and dividends promptly at maturity, by offering to invest in the bonds of the company, and, by such investment, exemplify their faith in some little degree commensurate with their works in championing this bill?

I think I am warranted in saying that there is not anybody besides the lobby on the face of the earth who has enough confidence in this corporation, except of course the members of Congress who are supporting this measure, to invest either time or money. I want you to think for a moment what has been done by this company to influence us to commit the monstrous crime on the tax-payers of the country by passing this or a similar bill. Having resorted to all kinds of drumming, cajolery, and chicane, with an organized lobby besieging early and late the doors of Congress, and having carried their dirty business into the congressional districts, Legislatures, and even town meetings, besides creating so-called "commercial conventions," creatures solely in the interest of the Texas Pacific Railroad, they assume an attitude of authority and threaten all opposition to their bill. Ringing all the changes of specious argument, they would have us believe that the millions of acres of land which we gave them and which they have forfeited are worthless without the aid of a railroad to secure their settlement and development to add to the wealth of the country. And when wave after wave of the mighty tide of emigration of needy settlers is year after year pushing back our frontier like a scroll, we are asked to believe that these anxious homeseekers will wait to be carried to their promised homesteads on flowery beds of ease in palace cars. Such hardy pioneers might do for "excursionists" but they would hardly "subdue the soil" or found a State. Railroads, like other commodities, will be in demand when they become necessities. The laws of supply and demand will be found to apply to a desert as well as a garden, and will operate with the same certainty, uniformity, and power in the settlement of the trans-continental region as in the settlement of the older States of the Union; and the country west of the Mississippi should not be forced to an abnormal growth by subsidy legislation. Soon ripe soon rotten seems to apply well to certain mushroom railroad centers.

Compact, thrifty, and enduring settlements are and have been of slow growth, and Government should employ its means and protection to assist the whole people to attain a healthful and sturdy enlargement rather than cripple a general development of our common country by nursing the interest of favored sections. In the name of the overtaxed people I appeal to Congress to lay no more burdens on their tired shoulders for the benefit of rich corporations, and in the name of the "farmer boys" of the country not to give away any more of the public lands to subsidize railroads. I am loath to believe that you will go back on the promises made to the people that you would protect our common heritage from the grasp of monopolies, and I look to you to give the lie to the taunts of the press that "the lobby is stronger than the people."

I ask the indulgence of the House for what may appear a digression from the subject under discussion, but which I think is in the line of my argument. When the republican party became dominant the whole theory of legislation was changed from democratic to aristocratic principles and tendencies. Laws were passed for the purpose of building up and fostering four great moneyed interests which might be denominated the "four kings" which rule America. Their mandates were issued in the lobbies and obeyed in the halls of Congress. The tariff was increased for the benefit and in the interest of the manufacturer—but in the name of labor—and in effect it has brought down labor to pauper prices. A banking system was created—misnamed "national" except that it is a "national calamity"—which is injurious to the prosperity of the country and endangers the liberties of the people. An act was passed in 1869 to pay the 5.20 bonds in coin for the purpose of increasing the value of the bonds in the hands of the holder from 50 to 100 per cent. And the resumption act was passed for the purpose of giving the national banks the monopoly of the circulating medium.

Congress has granted to railroad corporations two hundred millions of acres of the public lands with \$500,000,000, and enough to give homesteads of one hundred and sixty acres each to thirteen millions of homeless families. The treasure of the country has been poured out like water for the benefit of railroad corporations in the name of commerce, emigration, and development, but at the expense of the laboring classes, that the rich might be made richer and the poor poorer, and that the moneyed class might the more readily subjugate the laboring classes who have been made by adroit legislation to bend to the will of their employers at the ballot-box as well as in the shop

and field, subordinating their necessities and their God-given rights to the privileges of the dominant few. But, sir, unpaid bills, delinquent taxes, depreciated property, and threatened stagnation of business all over the country convinced the masses that something was wrong, and they were not slow in finding out the cause and the means to remove it. In 1874 they applied the remedy by electing to this House, by overwhelming majorities, a representation on platforms pledged against subsidies in lands or money to railroad or other corporations and against class legislation of every kind. These pledges the people confidently hoped to see carried out in good faith, and during the first session of the Forty-fourth Congress, Mr. Holman, of Indiana, the distinguished member who never slept when the people's interest was at stake, moved to suspend the rules and pass the following resolution:

Resolved, That in the judgment of this House, in the present condition of the financial affairs of the Government, no subsidies in money, bonds, public lands, indorsements, or by pledge of the public credit, should be granted by Congress to associations or corporations engaged or proposing to engage in public or private enterprises; and that all appropriations from the public Treasury ought to be limited at this time to such amounts only as shall be imperatively demanded by the public service.

Was its passage intended for an electioneering hobby in the approaching canvass? What answer shall be made by the vote on the pending subsidy bill? There is a class in this country who seem to disbelieve what we expressed by the Holman anti-subsidy resolutions, and this may be true if the many subsidy bills now pending are not cheats by name as well as by nature.

I have examined some fifty or sixty pending subsidy bills of all sorts and conditions, which in the aggregate ask for millions upon millions of dollars and millions upon millions of acres of our public lands, and no more formidable army of grabbers could be mustered to menace the Treasury than the roll-call of the incorporators of these bills. Is it not high time to read the "riot act" and disperse this mob? Or shall we yield to their demands, deplete the Treasury, and pass the title of the public lands we have left into their greedy and outstretched hands? For one I insist on a new and immediate departure in subsidy legislation which shall deal a death-blow to this wicked policy.

And now, Mr. Speaker, let us consider the sources of revenue which are to replenish the Treasury from time to time, and to find out where the money comes from to meet the increased Government liabilities caused by subsidy legislation. We will find that it falls mostly on a few States which have small interest in the extension of remote railroads and the settlement of waste-places. Take, for instance, the unfair and unjust revenue laws. It will be seen by looking at the report of the Commissioner of Internal Revenue that the States of Ohio, Indiana, Illinois, Kentucky, and Virginia pay almost half of the internal revenue; the five States mentioned pay \$53,500,000 and the other thirty-three States pay a little over fifty-seven millions of the internal revenue collected, and which the following table shows:

The amount of internal revenue collected for the fiscal year ending June 30, 1878, was \$110,654,163.37.

Ohio paid of this sum.....	\$14,763,499
Indiana	5,720,324
Illinois	19,667,759
Kentucky.....	6,880,550
Virginia.....	6,501,476

Can there be any prosperity where people are taxed more than the value of their surplus? Is it any wonder that these States are shingled over with mortgages to secure money borrowed from the New England money-lenders who are generally the incorporators of subsidy railroads? And New England, with all her moneyed wealth, pays only three millions and a half of the internal-revenue tax.

But, Mr. Speaker, we are told such talk is calculated to bring on a conflict between capital and labor. A distinguished gentleman from New England refused to sign a paper requesting a Senator from Indiana to deliver a lecture in this city, for the reason that the Senator was trying to stir up a conflict between capital and labor by his speeches. Such a conflict is just what we are trying to avoid, and it is what we are laboring to prevent.

In the conflict between capital and labor during the past fifteen years capital has always been the aggressor, the brutal task-master which has driven the laborer to the wall; and taking advantage of his necessities, it has compassed him about with a condition worse than that of slavery. It was this unendurable slavery which caused the late strikes—the inequality and reduction of wages without a corresponding shrinkage of prices of the necessities of life—the grinding depression in the price of labor instituted by conspiring monopolies who manage to create a corner on the sweat of the laboring man, and bull and bear his wages as they would worthless stocks on the market. Perhaps one of the worst effects of bloated monopolies is a "social bloat," a natural result of great and sudden individual wealth. Extravagance is catching. People in low life are apt to ape their more fortunate neighbors, and the example is most harmful to the social condition of the "hand-to-mouth" laboring people of the country, especially when set by the upstart class called shoddy aristocracy and the subsidy bantlings born of the greedy corporations which have been legislated into existence by short-sighted law-makers under such silly pretexts as "military necessities," "to foster commerce," and "the settlement and development of the public domain," &c.—high-sounding phrases generally found in the preambles of subsidy bills.

Mr. Speaker, I am for a democratic government sustained by a pure

ballot; a democratic financial and monetary system which shall equalize values as near as may be; an equal distribution of the burdens of taxation among all the people. I am against all subsidy or class legislation under whatever name or form it may come. I am for free homesteads on the public lands, and for actual settlers only. I am for whatever laws which shall make all men equal in the pursuits of life; and I shall labor to bring about such a state of affairs whenever and wherever I can. Let us work hard to establish such a code as shall secure the liberties of the whole people, dignify labor in a national and social aspect, and perpetuate democratic institutions, pure and simple.

Revision of Patent Laws.

SPEECH OF HON. H. M. POLLARD,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, March 1, 1879.

On the bill (S. No. 300) to amend the statutes in relation to patents, and for other purposes.

Mr. POLLARD. Mr. Speaker, the Constitution, article 1, section 8, provides that Congress shall have power to promote the progress of the useful arts, by giving to inventors, for a limited period, the exclusive right to their respective inventions.

In 1790 the Congress enacted the first patent law, and from that time to this the American people have demanded a law to enforce said provision of the Constitution. In 1793 this law was entirely revised and many of its principles vitally changed. Still it was not till 1836 that that law was passed which has given to American inventors that encouragement and their inventions that protection which has placed us as a nation in so few years in the front rank of the manufacturing countries of the world. This law of 1836 was revised in 1870, but no very material changes made.

Prior to 1836 there was no Patent Office or Commissioner, and any one who wanted a patent and would pay the fee could have it whether it was novel or not. And until within a very few years no European countries had adopted the specially American features of the law of 1836, namely, that the invention must be both novel and useful, and then the protection for a term of years, and all at a very small cost to the inventor.

Has the patent law benefited the country? Let us see. Up to 1836, only 10,200 patents, all told, had been issued, while for a few years past 15,000 a year have been issued, and now the Patent Office is granting over 50 a day.

I have tabulated, from the Annual Report of the Commissioner of Patents for the year 1877, the number of patents issued each year since 1836, with cash receipts and expenditures of the Patent Office, and the number issued to residents of the different States and Territories from January 1, 1877, to December 31, 1877; and a statement showing the number issued by States each decennial year since 1800.

Number of patents issued each year, and cash received and expended.

Year.	Number.	Cash received.	Cash expended.	Surplus.
1837.....	453	\$23,289 08	\$31,506 98	.....
1838.....	520	12,123 54	37,492 10	\$4,721 44
1839.....	425	37,300 00	34,543 51	2,756 49
1840.....	473	38,056 51	30,020 67	.....
1841.....	495	40,413 01	52,600 87	.....
1842.....	517	36,365 68	31,241 48	5,254 20
1843.....	531	35,315 81	30,776 96	4,538 85
1844.....	502	42,509 26	36,544 73	6,264 53
1845.....	502	51,076 14	39,295 65	11,680 49
1846.....	619	50,364 16	46,158 71	4,105 45
1847.....	572	63,111 19	41,878 65	21,232 54
1848.....	660	67,576 69	58,905 64	8,670 05
1849.....	1,070	80,752 98	77,716 44	3,036 54
1850.....	995	86,927 05	80,100 95	6,826 10
1851.....	869	93,738 61	85,916 93	7,821 68
1852.....	1,020	112,636 34	95,916 91	16,739 43
1853.....	958	121,527 45	132,869 83	.....
1854.....	1,902	163,789 84	167,146 30	.....
1855.....	2,024	216,459 35	179,549 33	36,910 02
1856.....	2,502	162,588 02	199,931 02	.....
1857.....	2,910	196,132 01	211,562 09	.....
1858.....	3,710	203,716 16	191,193 74	10,522 42
1859.....	4,538	245,942 15	216,278 41	35,663 74
1860.....	4,819	256,552 59	252,829 80	3,722 79
1861.....	3,340	137,354 44	221,491 91	.....
1862.....	3,521	215,754 99	182,816 39	32,944 60
1863.....	4,170	195,593 24	189,414 14	6,179 15
1864.....	5,020	210,919 98	229,868 00	11,051 98
1865.....	6,616	348,791 84	275,199 34	74,592 50
1866.....	9,450	495,665 38	361,724 28	133,941 10
1867.....	13,015	646,581 93	639,263 32	7,318 60
1868.....	13,378	681,565 80	628,679 77	52,886 03
1869.....	13,986	693,145 81	446,430 78	206,715 03
1870.....	13,321	609,456 76	557,149 19	112,307 57
1871.....	13,033	678,716 46	560,395 08	118,321 38
1872.....	13,590	689,736 39	665,591 36	34,145 03
1873.....	12,864	703,191 77	691,171 98	12,019 79
1874.....	13,599	738,278 17	679,288 41	58,989 76
1875.....	16,288	743,453 36	721,657 71	21,795 65
1876.....	17,026	757,987 65	652,542 60	105,445 05
1877.....	13,619	732,342 85	613,122 62	119,190 23

Number of patents issued to individuals of the several States each decennial year since 1800.

State or Territory.	1800.	1810.	1820.	1830.	1840.	1850.	1860.	1870.	1877.
Alabama				1	3	2	25	36	43
Arkansas							1	6	11
California							53	216	341
Colorado Territory							64	18	28
Connecticut	6	31	16	52	24	55	183	739	607
Dakota Territory							1	39	28
Delaware		2		3	2	4	5	174	123
District of Columbia	1	2		3	3	12	54	174	123
Florida							11	5	14
Georgia		1	1	3	2	6	70	81	63
Illinois					1	16	240	835	1,046
Indiana				6	3	23	106	452	452
Iowa						1	49	208	408
Kansas							2	46	103
Kentucky	1	2	3	6	6	9	38	143	151
Louisiana				2	1	7	60	111	79
Maine			5	15	10	11	76	139	132
Maryland		10	10	24	25	22	65	206	192
Massachusetts	6	50	20	46	80	137	468	1,448	1,393
Michigan				1	3	3	75	401	383
Minnesota							7	70	146
Mississippi				1		2	44	50	39
Missouri					3	3	67	10	365
Montana Territory							1	16	36
Nebraska								9	24
Nevada								111	51
New Hampshire	3	4	3	14	9	17	58	111	502
New Jersey	5	2	4	8	6	25	136	474	3
New Mexico Territory								2,962	2,496
New York	6	52	26	190	127	218	1,331	2,962	2,496
North Carolina				1	6	2	3	54	51
Ohio		2	1	19	32	82	342	982	1,083
Oregon							1	22	38
Pennsylvania	8	29	8	88	78	155	523	1,481	1,515
Rhode Island	9	5	3	14	9	11	73	197	212
South Carolina		3	1	6	3	4	25	35	34
Tennessee		1	2	3	4	7	50	109	114
Texas						2	23	46	115
Utah Territory								1	4
Vermont		8	6	5	11	12	61	123	58
Virginia	1	3	7	26	7	22	98	110	100
Washington Territory								1	4
West Virginia								47	31
Wyoming Territory								1	9
Wisconsin						3	66	228	245

Number of patents issued to the residents of each State during 1877, and the average number to each inhabitant.

State or Territory.	Patents and designs.	One to every—
Maine	132	4,749
New Hampshire	78	4,080
Vermont	58	5,733
Massachusetts	1,393	1,046
Connecticut	607	885
Rhode Island	212	1,025
All New England	2,496	2,919
New York	2,480	1,755
New Jersey	502	1,804
Pennsylvania	1,515	2,325
	4,513	1,961
Maryland	192	4,067
Delaware	28	4,464
Virginia	100	12,251
West Virginia	312	14,258
	351	8,760
North Carolina	51	21,007
South Carolina	34	20,753
Georgia	63	18,795
Florida	14	13,410
Alabama	43	23,418
Louisiana	79	9,073
Texas	115	7,117
Arkansas	36	13,513
Tennessee	114	11,039
Kentucky	151	8,748
	700	14,687
Ohio	1,083	2,430
Indiana	450	3,734
Illinois	1,046	2,429
Missouri	365	4,715
Michigan	383	3,091
Wisconsin	245	4,304
Iowa	408	2,655
Minnesota	146	3,011
Kansas	103	3,538
Nebraska	36	3,416
Colorado	28	1,423
	4,293	3,159

Number of patents issued, &c.—Continued.

State or Territory.	Patents and designs.	One to every—
California	341	1,642
Oregon	38	2,392
Nevada	24	1,770
	403	1,935
District of Columbia	123	1,060
Arizona	2	4,829
Dakota	6	2,365
Idaho	1	14,999
Montana	3	6,865
New Mexico	3	30,625
Utah	4	21,696
Washington	4	5,988
Wyoming	9	1,014
	32	11,017

These three tables show many curious things. The first, among other things, shows that in years of financial distress there are less patents granted, less invention done. See: in 1861 and 1862 there were many less than for a few years preceding. In 1873 there were less than for six years preceding. The office, too, since 1836 has been the source of over a million dollars profit to the country. It is making for us over \$100,000 each year. The second table shows that New England is not now the home of the inventive Yankee as it formerly was. In 1850 only half as many patents were issued to residents of the Western States as to New England, while last year they took out 4,293, while New England took out only 2,480. The people of the Southern States have also taken out many more patents than before the late war. Now the industries of the Northwest have increased very rapidly in those years, and everywhere, all over the country, those places which have increased their inventions the most have increased most in their industries. Look at the census: in 1850 the manufactured products of the United States were only \$1,000,000,000, while in 1870 there were \$4,200,000,000. See, too, how our exports have been increasing for the past few years, and the increase has been largely in manufactured goods.

Would this have been had we not excelled our foreign neighbors in our machinery? And would our machinery have excelled theirs had not our inventors been encouraged and stimulated by our patent laws? I believe not. I believe a great measure of our prosperity is directly traceable to our patent system. Our centennial exposition did more to popularize our patent system with Europeans than anything else. Never till since then has any European country required an examination of the thing sought to be patented before the letters were granted. All comers were treated alike, and if they paid the exorbitant fee and the thing to be patented was not immoral or against public policy they readily got their letters, but then their trouble commenced. Its utility, novelty, and the priority of its invention had to be settled in the courts. The result was that unless a man could command a fortune he could not be a successful inventor.

Indeed, an eminent Englishman, in treating of the bill then before Parliament, said in an article in the Nineteenth Century, in April, 1877, that no patent was worth anything unless £20,000 had been spent in its preliminary stages. I refer to Right Hon. Lyon Playfair, M. P. In the bill referred to they made five examiners do the work of examining over five thousand applications for patents in each year. To Americans who are familiar with our law it seems ridiculous; certainly so few examiners can do little more than blunder. We have nearly one hundred, and our experience has shown us that this number is too few.

But this English experiment will do them some good. Mr. Playfair says:

A few years ago the current of public opinion was decidedly running against the law of patents. Lately, however, the current has set in an opposite direction, and there is now a general consensus of public opinion that it would be dangerous to national interests to abolish patents for invention, although we ought to reform the laws relating to them.

Again, he says, in enforcing his argument, that a patent law is necessary:

It is the interest of the patentee to push his invention and force improvements in manufacture. A manufacturer who has invested capital in existing machinery is willing to let production rest upon his existing appliances, but generally does not push new improvements unless he has the spur of competition. The patentee is the man who drives the spur home into the flanks of manufacture. It is his interest to introduce novelties and to force improvements. * * * In fact public opinion in favor of patents has changed not only in England but among nations generally; and we have arrived at a general conclusion that whatever logic and reason may decide in the abstract expediency is too strong in the concrete; for experience has abundantly proved that manufacturers become sluggish without a stimulus applied by inventors. England is the last country that could afford to make any experiment which might diminish the inventive faculty of her industrial population.

There is no leisure now to let invention flow on in a sluggish stream as it would undoubtedly do whether there were patent laws or not. Prizes in the form of rewards for successful venture must be offered to all who have inventive faculties in order that there may be constant effort for improvement and success.

While referring to our neighbors I will extract from a few others of them for the purpose of showing what they think of our patent system. I make extracts from the reports to the British Parliament on the Philadelphia international exhibition, page 90, Textiles:

Looking to practical applications of science generally in the United States department of the exhibition, no one can fail to be struck with the great and successful activity in the application of science to useful purposes in America. Thoroughly in harmony with this very valuable development of national energy was the exhibition in the United States Government building of objects illustrating the efficiency of the Washington Patent Office. Judged by its results in benefiting the public, both by stimulating inventors and by giving a perseveringly practical turn to their labors, the American patent law must be admitted to be most successful, and the beneficence of its working was very amply illustrated throughout the American region of the exhibition, where, indeed, it seemed that every good thing deserving a patent was patented. I asked one inventor of a very good invention, "Why do you not patent in England?" He answered: "The conditions in England are too onerous." Meaning, no doubt, that the cost of a patent in England is too great and the time for which it is granted too short. It is not merely on account of the extreme injustice of such an enormous tax as is implied in the £175 of Government stamp duties charged according to our present law that a diminution to something nearer the American charge of \$35 is urgently needed. England undoubtedly loses much of the benefit which might be had from the inventiveness of Englishmen through the want in English patent law of encouragement and protection to inventors unsupported by capitalists.

Sir William Thompson, president of the mathematical and physical section of the British Association, September, 1876, says:

If Europe does not amend its patent laws (England in the opposite direction to that proposed in the bills before the last two sessions of Parliament) America will speedily become the nursery of useful inventions for the world.

Extracts from a paper upon the industries and manufactures in the United States addressed to Swiss manufacturers by Edward Bally, the largest manufacturer of boots and shoes in Switzerland, and one of the Swiss commissioners to the Philadelphia exhibition:

Another factor which favors the education of the people of the United States is the excellent system of patents, by means of which, at a very moderate expense, a patent is obtained; not only the inventor is protected against infringement, but the invention is made known; and the American, more than any one else, loves innovations, and adopts them the moment they are recognized as good.

Many European States have also a patent system, but as they see in it, first of all, a source of revenue to the State, those of moderate fortune can hardly obtain a patent. In Europe the inventor anxiously hides his secret from all eyes until he is in possession of a patent. The Americans do not know this uneasiness, because there the inventor alone can take a patent, which he afterward has the right to sell, if he pleases.

Every intelligent man has thus before him the possibility of fortune, often by a very slight improvement, and this keeps in ceaseless activity the intelligent part of the population.

I am satisfied from my knowledge that no people have made in so short a time so many useful inventions as the Americans; and if to-day machinery apparently does all the work, it, nevertheless, by no means reduces the workman to a machine. He uses it as a machine, it is true, but he is always thinking about some improvement to introduce into it, and often his thoughts lead to fine inventions or useful improvements.

American industry has taken a lead which, in a few years, may cause Europe to feel its consequences in a very marked degree. The universal exhibition of Philadelphia has been, so to speak, the key by which American industry will unlock for itself the road to Europe and to its colonies. Visitors from the Old World, although few, have been able to appreciate the activity of America in the dominion of industry, and they will bring back from there many lessons which will make astonished Europe open its eyes.

At this moment there are at Manchester, in England, the principal center for cottons, forty thousand men out of work because the Manchester shippers can order their goods more advantageously in America.

European seaports have become in part great depots for American leather. Certainly it is not pleasant to be compelled to recognize the fact that a former market has become a dangerous competitor.

If to-day a manufacturer wishes to contend only against competition he is obliged to bring his machinery from America.

When one examines the merchandise and looks over the prices current which were distributed among the visitors, one is almost obliged to admit that in a few years Americans will furnish Germans with shoes, instead of buying their shoes from Germans.

We must introduce the patent system. All our production is more or less a simple copy. The inventor has no profit to expect from his invention, no matter how useful it may be. It is evident that this absolute want of protection will never awaken in a people the spirit of invention, but, on the contrary, accustoms them to copy more and more that which belongs to their neighbors, and that is not to the honor of the country. The want of protection for new inventions is a disadvantage to us. The state ought not to hesitate to add to its resources this new resource; but at the same time we must remember that an invention is valuable in proportion to the facility with which it can be made available, and so it is essential that the grant of patents be accessible to inventors of the most moderate fortunes.

America has shown us how, in a few years, a people in the midst of circumstances often embarrassing, can merit by its activity, its spirit of enterprise, and its perseverance, the respect and the admiration of the whole world, and acquire in many respects an incontestable superiority. May our sister Republic serve as our model in this.

The following is the cost to an inventor of a patent in the European countries, viz:

In Great Britain: At the date of the letters from £54 to £69; at the expiration of the third year £50, and at the end of the seventh year £100.

In France: At date of letters, from £15 to £21, and an annual tax of £5.

In Austria: At date of letters, from £24 to £30; annual tax of £6 till the sixth year; then £7; then the tax increases annually.

And thus on through the list.

The patent laws of Europe are for the rich, and inventing is a luxury. See the result. We grant more patents every year than do the combined countries of Europe, and to-day we are encroaching on their hitherto exclusive territory, as I have heretofore shown.

Mr. Speaker, I come now to consider the bill before us as it came from the Senate, and to compare its principal sections with the present statutes, and the constructions put on them by the courts.

Section 1 enacts a statute of limitations of four years in its first clause.

As there is no section of the present law of patents providing for a statute of repose, it is apparent to all that this is certainly needed. To-day you may be sued for having used patented articles ten years ago, and not since; you have laid it aside; you have forgotten from whom you bought it, or he may now be bankrupt; and divers means you would have had when you were using it, or soon after you bought it, to make yourself whole against loss are now lost to you by the delay of the plaintiff to sue. This clause prevents him from recovering any "damages which shall have accrued more than four years next preceding the commencement of the suit."

There is a proviso which enables a party who has several suits on hand for the same infringement to go on and try one, and hold up by stay of proceedings all the others till the first is finally determined. The other clauses of this section are palpably just and right.

Section 2 is what has caused more controversy than all the rest of the bill. The section attempts to fix the measure of damages in all suits for the infringement of patents. The first clause provides that whether you bring your action on the law or equity side of the court the measure of your recovery shall be the same. That anything different should ever have been the law shocks all sense of justice, yet we have section 4919 of the Revised Statutes, which provides that—

Damages for the infringement of any patent may be recovered by action on the case, in the name of the party interested, either as patentee, assignee, or grantee. And whenever in any such action a verdict is rendered for the plaintiff, the court may enter judgment thereon for any sum above the amount found by the verdict as the actual damages sustained, according to the circumstances of the case, not exceeding three times the amount of such verdict, together with the costs.

This, you see, is an action at law where can only be recovered actual damages sustained by the plaintiff, which, to be sure, the court may treble. Now turn to section 4921:

The several courts vested with jurisdiction of cases arising under the patent laws shall have power to grant injunctions according to the course and principles of courts of equity, to prevent the violation of any right secured by patent, on such terms as the court may deem reasonable; and upon a decree being rendered in any such case for an infringement, the complainant shall be entitled to recover, in addition to the profits to be accounted for by the defendant, the damages the complainant has sustained thereby; and the court shall assess the same or cause the same to be assessed under its direction. And the court shall have the same power to increase such damages, in its discretion, as is given to increase the damages found by verdicts in actions in the nature of actions of trespass upon the case.

This section provides for a judgment from the equity side of the court, and it gives the plaintiff, in addition to the damages he has sustained, all the profits the defendant has made, and the court can multiply these sums by three and render judgment therefor. The bill rectifies this wrong and renders equal the judgment whether the action is at law or in equity.

The second clause of this section provides that the measure of plaintiff's recovery shall be just what he has himself theretofore determined by his license fees, if he has established any, except where defendant has made an actual profit from making for sale or selling the thing patented or the product thereof; and in such cases the proportion of the actual profits shall be determined and that shall be the measure of plaintiff's recovery, except when such proportion is less than the license fee, when the license fee shall be the measure. And this clause also provides for an auditor to ascertain profits in suits at law, and makes his report *prima facie* evidence.

The sections heretofore read are all the statute law on the subject of measure of damages, but they are by no means all the law. By a long line of decisions, commencing with Judge Story in 1817, (see *Lowell vs. Lewis*, 1 Mason, 184,) and terminating with *Mevs vs. Conover*, 11 Patent Office Gazette, page 1111, the courts have made this law, namely, that the plaintiff can recover not only all the damage he can show he has sustained, but also all the profits defendant has made by reason of using the infringed patent, and also all that he ought to have made by a careful and business-like management of the said patent; and if it should turn out that he had actually lost money in the operation they make him pay the plaintiff the difference between what he actually has lost and what he would have lost if he had made the same kind of goods in the manner they were made prior to the plaintiff's invention, and then treble all that. Take the last case cited—*Mevs vs. Conover*. The patented article was a wood-splitting machine, and was such a poor one, too, that the defendant (the infringer) lost money on every cord of wood he split with it. Yet the evidence tended to show that he split the wood for seventy-five cents a cord less than he could have done by any method used before *Mevs's* invention, and he was made to pay this seventy-five cents on every cord he split with plaintiff's machine, because, the court says, he would have lost this seventy-five cents more if he had not used the machine, hence he was bettered or profited so much, and that profit belongs to the plaintiff.

This decision seemingly could be criticised, but I have no time, neither have I the inclination, for I readily realize the fact that it is easier to criticise than to render a perfect decision. Yet this is to-day the recognized law of recovery in equity cases. It must strike an impartial judge that if plaintiff gets all he has asked others for the

use of the same thing, and also gets all the profits defendant has made because of the use of plaintiff's patent, he should be satisfied; but the courts make the infringer a trustee and allow him nothing for the care or custody of the trust-fund, because, being in the wrong in infringing, he must not be permitted to any way be benefited thereby. Still the recognized love of fair play of the American people demands that a patentee shall not completely rob and plunder a man even by due course of law, simply because he is innocently using a patent he has bought and paid a fabulous price for, but which his vendor had no right to sell him.

The next clause of this section provides for establishing a license fee where none has been established.

The next clause authorizes the court to determine whether the suit or defense was vexatious or malicious; and, if so, to award against such guilty party such sum by way of counsel fees and expenses of suit as it shall deem just and reasonable.

The law now, you remember, authorizes the court to render judgment for three times the amount of the verdict for plaintiff, but in no case authorizes the punishment by increased judgment of the plaintiff, if he has brought a vexatious or malicious suit. To be sure this section does not limit exactly the increase which the court may make of the verdict, but it must exercise a sound or reasonable discretion.

The last clause simply prohibits *in toto* the allowance of savings. This is for the purpose of preventing all Paul Pry's from using the law to ascertain your private affairs.

It is just. Taking the section together, it is a great improvement on the law as it now stands. It is fair to all; it is clear and explicit, and needs no judicial exposition:

SEC. 3. In any suit brought in any court now having jurisdiction in patent cases for an alleged infringement of any patented article, device, process, invention, or discovery, where it shall appear that the defendant purchased the same in good faith from the manufacturer thereof, or from a person or firm engaged in the open sale or practical application thereof, and applied the same for and to his own use, and not for sale, nor for making a product for sale, if the plaintiff shall recover a judgment for merely nominal damages, the court shall adjudge that he pay all the costs of the suit; and if the plaintiff shall not recover the sum of \$20 or over, the court shall adjudge him to pay his own costs, unless it shall also appear that the defendant, at the time of such purchase, manufacture, or practical application, had knowledge or actual notice of the existence of such patent: *Provided*, That nothing contained in this section shall apply to articles manufactured outside the United States.

This section is made to remedy the growing evil of the peripatetic patent swindlers who infest the whole country. It says to them, If you sue and only recover nominal damages, you must pay all costs, and unless you recover over \$20 you shall pay your own costs, unless the defendant knew of the patent at the time he bought, and provided this section shall not apply to articles made outside the United States. Why this provision? Let us see. You have obtained a patent on some small but useful and economical farm implement. I pirate it and step over the line into Canada and establish a large manufactory of the article there. I bring it in large quantities here to the United States and sell it out to users. Now, how are you going to get any pay for your invention? The manufacturer is in a foreign state; you cannot sue him, and unless you can get at the user your patent is worthless. So we thought that as between the two the inventor is less to blame than the user.

This law does not go as far as many wish. A bill has been introduced and referred to the Committee on Patents which absolutely prevents the patentee from suing for an infringement for less than \$20, I think. This matter was fully considered in the Senate and in our committee, and the conclusion we arrived at was that to so trench a patentee is in violation of the Constitution. You say this bill limits his rights; no, it limits his remedy; and the courts have always held that this could be done.

The only new feature of the bill is section 12, which provides that four years after the date of a patent the patentee shall pay a fee of \$20, and nine years after date of patent \$50. The patent to be void if these fees are not paid. The object of this innovation is two fold: first, to increase the revenue, and, second and chiefly, to get rid of all worthless and useless patents. It is a fact familiar to every manufacturer and large user of patents and to every patent lawyer, that more mischief is caused and litigation had by reason of reissues on patents which nobody had ever heard of for years than from any other cause.

Now this trouble would not arise if the patentee had been compelled to pay his \$70 to keep alive his worthless patent. It works in this way: I patent an invention for a reaper which I find by experiment is totally worthless and cannot be used. Of course I lay it aside, and when the four years come round I will not pay my \$20, and it dies. But heretofore, at the end of ten years, some one else has made a success of a patented reaper having some feature similar to mine. I come here, and by an inspection of my model and written description am enabled to get a reissue which covers the successful machine, and then the man who had succeeded by invention in making a good machine is robbed by me of it. This section prevents that kind of business.

This bill, though not meeting with the entire approval of the committee in all its parts, is admitted by all to be a great improvement on the present law.

Supervisors of Elections.

SPEECH OF HON. C. M. SHELLEY, OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 25, 1879,

On the Southard amendment to the legislative bill to repeal the law for supervisors and deputy marshals of elections.

Mr. SHELLEY. Mr. Chairman, in the consideration of questions of this character I understand, of course, how difficult it is to divest ourselves of the prejudices which are the result of party associations or sectional influences. I do not hope, therefore, by what I propose to say on this occasion to influence the action of a single member on the other side of the House, but I think it is due to myself and to my people that I should state briefly some of the reasons why southern members insist upon the repeal of the election law, so that the country may understand that it is not done for the purpose of getting a mere party advantage.

First, Congress has not provided a complete system of regulations for holding Federal elections, nor has it enacted or adopted in connection with its statutes the regulations or election laws of the different States, but leaves the entire conduct and management of Federal elections to officers appointed under authority of the statutes of the respective States, providing only for the supervision of their work by certain officers appointed by authority of the statutes under consideration, and yet the Federal courts assume jurisdiction of and undertake to punish State officers for violating State laws, which in my judgment is unconstitutional.

At all events it is a doubtful and dangerous usurpation and must of necessity work great harm and be a great restraint upon the free exercise of the elective franchise. I favor the repeal of these laws because their purpose and effect are not to protect the citizen in the enjoyment and exercise of any right, but to enable the republican party to perpetuate its reign by an unjust and arbitrary use of the extraordinary and dangerous powers which they confer upon those whose duty it is made to enforce them.

Because of the manner in which they are executed by the courts, the people are in effect deprived of the benefit of trial by jury. At the last term of the United States court for the middle district of Alabama the grand jury was composed of twenty-two persons, only two of whom were democrats. Their deliberations of course resulted in bringing in a large number of indictments under these laws against democrats alone, with perhaps one single exception, although evidence was offered which would have convicted republicans before a fair jury. The petit-jury panel was composed of twenty persons, only three of whom were democrats, and in the only trial had under these laws the district attorney promptly challenged these three. So that the defendant was tried and convicted for a political offense by a jury composed entirely of his political opponents.

Not satisfied with this condition of affairs, and the testimony showing absolutely the innocence of the accused, whisky was permitted by an official of the court to be conveyed to the jury during their deliberations, by which a portion of them who had some little sense of justice left were induced to agree to a verdict of guilty.

Furthermore, in other cases the accused were arrested, I believe, on the 14th of December, hurried off from their homes, and three days thereafter were arraigned for trial without time or opportunity for preparing their defense; and when their counsel appealed to the court for a postponement in order to give them time for preparation, assigning as a reason therefor that from the press or other professional engagements and the shortness of the notice they had not been able to get ready for trial, the judge announced from the bench that if counsel employed were too busy to attend to the cases the accused must employ other counsel. And but for the filing and arguing of pleas and demurrers until the term of the court expired, these defendants would have been forced to trial in this summary way without even the chance to prepare their defense.

In addition to these outrageous proceedings, the defendants were required to pay in advance the fees for summoning their witnesses, including constructive mileage, before the officers of the court would serve the subpoenas. Among the accused there were many very poor men not able to pay their own expenses to and from the court, to say nothing of expenses of witnesses. Now, with such a court and such proceedings, how is it possible for a man to get justice? It is simply out of the question, and no government can maintain itself and claim the respect of the citizen when it permits such an abuse and usurpation of power on the part of the judiciary.

Now, Mr. Chairman, this would not be so bad if there was any chance to appeal to a higher court; if the action of these partisan and corrupt judges could be reviewed; but the judge of a district Federal court can dispose of a man's life, liberty, and property and no court in the land, not even the Supreme Court of the United States, can set aside or reverse his action; so that here in this country, dedicated to liberty and justice, we have the extraordinary spectacle of a corrupt district judge wielding a power limited only by his desires and for the exercise of which he is responsible to no one.

Mr. Chairman, there are members on this floor who, whenever an effort is made to get rid of this wicked and unjust legislation which was enacted in a spirit of hostility to the southern section of the country, spring to their feet and cry war, and by their wicked exorcisms call up the ghost of the rebellion and frighten the people away from the calm and deliberate consideration of these measures of manifest justice, and they do it "for manifest reasons."

To that class I wish to say that I have some experience in the hardships, dangers, and distress of war. On many battle-fields I have faced death and witnessed the destruction of human life. I have looked upon the wounded, and heard the groans of the dying. I have seen whole sections of the most beautiful country in the world devastated, and homes laid waste under the march of contending armies, and I have a great horror of all this; but I would endure all these evils and have troops stationed in every town in the land, place the execution of the laws and the government of the people in the hands of the military, rather than suffer the evils of a corrupt judiciary.

Supervisors of Elections.

SPEECH OF HON. W. B. FLEMING, OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 25, 1879,

On the Southard amendment to the legislative bill to repeal the law for supervisors and deputy marshals of elections.

Mr. FLEMING. Mr. Chairman, the amendment before us proposes to repeal the act of Congress appointing or providing for the appointment of supervisors at congressional elections. In the view that I take of it, the act which it is proposed to repeal is unconstitutional, and as I would vote against any law that I believed to be unconstitutional so I will vote to repeal any law that I believe to be unconstitutional. This act it seems to me is unconstitutional in this, that it is a direct interference with the right of local self-government in the State, and it interferes in this way: Every State I doubt not has enacted laws the object of which is to protect the purity of the ballot-box. Any one offending against those laws becomes amenable to them and should be prosecuted and punished under them. But right here the act of Congress comes in and deprives the State of jurisdiction to try and punish offenders against her own laws; for when a person is arrested by a deputy marshal or supervisor he is not turned over to the State authorities for trial and punishment but he is dragged away to a Federal court, perhaps many miles distant from his home, for the purpose of trial.

It is no answer to say that the act of Congress makes the offense an offense against the United States. That is precisely what we complain of, that it deprives the State of jurisdiction and confers it upon the United States, and in this way interferes with the right of local self-government. Although it be an election for Congress it is still a State election, held in the State and by the State, and conducted and presided over by State officers. Offenders at such an election ought surely to be tried under the laws of the State, and to deprive the State of jurisdiction is a palpable interference with the right of local self-government. In this point of view the issue before us is the great issue that will be before us in 1880, upon which, in my judgment, will depend the existence of free institutions in this country, the right of local self-government, the continuance of constitutional liberty. Am I asked how is it that these issues will be before the country in 1880 any more than in elections that are past? I reply, let facts answer. Is it not a fact that there is a strong movement in the republican party to return General Grant to the White House? And what would be the effect of his election but an indorsement of the centralizing policy of his administration, as shown in his frequent interference with the right of local self-government. Upon the right of local self-government depends the existence of free institutions in this country. It is the corner-stone upon which our fathers erected the temple of liberty in which we have so long lived and prospered.

The States are the pillars on which the foundations of this temple were laid, and it is the duty of the people of each State to guard and protect, to strengthen and sustain their own pillar specially committed to their care. I know not what other States may do when this issue comes upon us in 1880, but I think I can speak for Georgia. We will gather around the Georgia pillar, and if it must be that this temple reared by our fathers must totter and crumble and fall, we will be found crushed at the base of the Georgia pillar, our very position in death showing that it was the last effort of our life to sustain Georgia, her principles, the Constitution, and constitutional liberty. I have made the issue in 1880 to depend upon the candidacy of General Grant. But this is not necessary; the issue will be upon us no matter who is the republican candidate, for the party has taken ground upon this subject openly and above-board. They are avowed centralists. At least such is my understanding of the platform adopted by them in the last presidential contest. One plank of that platform virtually says: "This Government is a nation, not a league." Now,

if they had been content to say this Government is a nation, and stopped in a limited sense, it would have been true. In many respects we are a nation; especially are we a nation in regard to our foreign relations. But they were careful to exclude this limited meaning, for they immediately add "and not a league."

Now, what is a league? My dictionary says "a league is a confederacy of states for mutual aid or defense." Now, if this Government be not a confederacy of States for mutual aid or defense, in other words a league, what, I ask, becomes of your State lines? They are blotted out; they are stricken from the maps of the country, or only remain to mark the divisions of a vast and despotic empire. Strike out State lines, and despotism becomes a necessity, for nothing short of despotic power could rule over a country so vast in extent, and inhabited by people differing in their manners, customs, habits, and feelings, and, above all, differing in their interests. We have read history to but little purpose if it has not taught us that vast dominions—unlimited territory—are unfriendly to free institutions. Our fathers seem to have understood this, hence the great care with which they guarded the separate existence and independence of the States, thus securing to the country governments limited in territory, where free institutions could flourish no matter how unlimited might become the boundaries of the Federal Government.

The thirteen original colonies commenced their existence in this country as separate and distinct communities. There was but one thing common to them all—they all acknowledged allegiance to the British Crown—in all other respects they were separate and distinct communities. When, if ever, did they become one? Not, certainly, by the Declaration of Independence; not by the articles of confederation under which the battle of the Revolution was fought and won; not by the peace with England. True, say our opponents, but we became one when we adopted the Federal Constitution. This idea is based upon the expression in the preamble, "We the people of the United States;" but interpreted in the light of history it will bear no such construction. Let it be remembered that in the original draught each State was mentioned by name, as thus: "We, the people of Massachusetts, Rhode Island, Connecticut," &c. Ah, but say the centralists, these names were omitted in the Constitution as adopted, and the argument is that they were omitted to change the character of the instrument. But remember another thing—the original Constitution provided that it was not to go into operation unless ratified and adopted by at least, I think, nine States.

Now, suppose that the names had been retained, what would be the fact? It would have been the utterance of a palpable falsehood, for it would have said the non-ratifying States had ratified and adopted the Constitution. And there were some States that at first refused to ratify. Here, then, we find the reason why the names of the States were omitted from the preamble. It was not to change the character of the instrument but to avoid the utterance of a falsehood, and the term "United States" was adopted because that would embrace only the ratifying States. Here, then, are two reasons given for the omission: one is that it was to change the character of the instrument, the other is that it was to avoid the utterance of a falsehood. Which is the true reason? This question, it seems to me, can be answered in but one way.

For these reasons I vote to repeal the act appointing supervisors, believing that in doing so I vote for the right of local self-government in the States, which, in my judgment, is necessary to the maintenance of liberty in this country.

Supervisors of Elections.

SPEECH OF HON. W. P. CALDWELL, OF TENNESSEE.

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 25, 1879,

On the Southard amendment to the legislative bill to repeal the law for supervisors and deputy marshals of elections.

Mr. CALDWELL, of Tennessee. Mr. Chairman, I shall enter into no discussion of the constitutional question which has been raised in this debate, but content myself with this single remark on that point: The difference of opinion that exists as to the constitutional authority for these obnoxious enactments is so great and irreconcilable as to render the existence of such authority a matter of grave doubt, and where doubt exists upon a claim of Federal power it is always safest and best to resolve it on the side of the States and local government.

Looking, then, briefly to it as a question merely of policy, and assuming that the jurisdiction of the States, in the absence of Federal interference, is beyond cavil or doubt, where would the suggestions of a wise and statesman-like view locate this right of supervision over elections? The idea upon which this obnoxious legislation proceeds is that the States themselves, or the people of the States, on account of indifference, indisposition, want of power, prejudice, local hostility, or some other not very well defined cause, will not secure freedom, fairness, and honesty in elections; and that somewhere outside of

and above and beyond the people of the States is a power that is both willing and able to discharge that duty. And here, Mr. Chairman, lies the sophistry of all the reasoning to which we have listened upon this subject; here the great mistake of gentlemen upon the other side of the Hall. We are asked to forget that the people of the States and the people of the Union are the same people, with the same opinions, prejudices, partialities, and hates.

We are asked to accept a monstrous absurdity and believe that, though the public sentiment in a State fail to demand and enforce by appropriate legislation the purity of the ballot and the sanctity of the ballot-box, we are not without remedy. Gentlemen argue that there is somewhere hid away in the majesty of Federal power some corrective of this base abandonment of duty by the people of the States, which must be applied by the strong arm of the nation when occasion shall arise. The absurdity of this position is so glaring that I am amazed at the extent to which the public mind has been imposed upon by it.

Sir, if the people of the States are so lost to all sense of duty, of justice, of law, as to refuse to hedge around the elective franchise by necessary safeguards that will secure its perfect freedom; or if having provided such safeguards they shall allow them to be overridden by sedition, violence, or fraud, I see no remedy under our system of government. The fault lies at the root of our political system, and would be but an argument against man's capacity for self-government. To that man who in good faith holds that there is some superior authority, some *vis major*, that can be safely appealed to to do what the States have failed or refused to do, I would commend the pertinent question of Mr. Jefferson: "If man is incapable of self-government, where shall angels be found, in the form of men, to govern him?" When shall we find that superior intelligence and courage, that higher sense of justice and duty, that loftier patriotism that high above the heads of parties and people shall rise to the great duty so ignobly abandoned? Nowhere, sir, in my judgment, on the green earth, and certainly not in the material of which supervisors and deputy marshals are made. I should not look for it in the persons of the dead-beats, gutter-snipes, and bummers—the miserable spawn of Federal interference.

The evil—the disease, if there be one—can be reached by no such quackery. It demands a more radical and enlightened treatment, aimed at the very root of the disease. Educate public sentiment; appeal to public virtue; touch the public conscience. You will accomplish more than all your semblance and show of force and superior authority, that will tend only to aggravate the evil, and so far from contributing to the freedom and fairness of elections will rather engender a spirit of discontent and resistance which would not otherwise exist.

But, sir, I do not believe it to be true that anywhere in this broad land there exists a disposition to debase the ballot-box and destroy by force or fraud the freedom of the elective franchise. Some honest minds may harbor such a delusion, may think honestly that such danger exists; but with the majority of those expressing such an apprehension it is, I fear, only a pretext for the continuance and perpetuation of the vile partisan machinery embodied in these statutes. The truth is, this machinery is deemed necessary to republican success in many cities where the democratic vote is large. Gentlemen may deny and disguise their purpose, but its true character cannot be mistaken.

For these and many other reasons, Mr. Chairman, this stigma upon the statute-book, this reproach upon local self-government, should be swept unceremoniously away.

Sundry Civil Appropriation Bill.

SPEECH OF HON. J. R. CHALMERS, OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 24, 1879.

On the bill (H. R. No. 6471) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

Mr. CHALMERS. Mr. Speaker, the estimate of the Quartermaster-General shows that \$15,000 is necessary to complete the work on the Cemetery Road at Vicksburg, Mississippi. The completion of this road is necessary to secure easy access to this cemetery, and we may therefore say is essential to the completion of the cemetery itself.

One of the most ennobling feelings in man is veneration for the dead, and one of the most beautiful customs of civilization is the erection of monuments in honor of those we loved in life. The erection of national cemeteries by a grateful government in honor of those who fell in its defense is recognized by all as but a fitting tribute to immortal valor. The Federal soldier recognizes it as but an act of justice to his comrades in arms; the confederate, while with the pride of Robert Emmett he asks, "let there be no inscription on my tomb," feels a melancholy pleasure in beholding the honors paid to fallen

"foemen worthy of his steel." In every age, in every clime, in every civilization, the bitter hates of life are hushed at the portals of the tomb, and each returning spring now finds the gray and the blue mingling their floral offerings on the soldier's grave.

The cemetery at Vicksburg is one of the most beautiful in the whole Union. Situated on a high bluff on the banks of the Mississippi River, it commands a view imposing alike in nature and historic recollections. Staring by the monument which commemorates Pemberton's surrender on the 4th of July, 1864, we see before us, stretching for miles above and below, the mighty river for the control of which we fought. To the left extends the crescent range of hills where the two armies met and grappled with each, day and night, in the struggle of death. Below stands the city of Vicksburg, where the sons and daughters of the South endured not only the fierce bombardment of siege-guns but all the pangs of hunger and starvation. Along the crest of hills overhanging the river are the remains of earthworks, from which the confederate artillery thundered, making Vicksburg the Gibraltar of the South and locking the gateway to the Gulf. On the opposite side of the river can be seen the spot where Grant's grand army was encamped.

As we stand on this bivouac of the dead and gaze down the hill-sides, beautifully terraced and interspersed with serpentine walks and drives, graded with scientific skill, we behold the head-stones of sixteen thousand graves amid the green grass and luxuriant forest, arranged with the regularity of a tented field. A poetic vision might bring back the shadowy forms of the dead and people the hills and valleys once more with the living, moving masses of contending armies, and might recall the days when the eyes of the world were turned on that spot and when the hearts of the North and South beat with alternate hope and fear as they looked on that struggle, upon which seemed to hang the fate of the Union and the confederacy. If there is one spot more than another around which in after years will cling heroic memories of the late war it is the cemetery at Vicksburg.

And yet, with all its beauty and its fascination, it is cut off from the inspection of the world by an almost impassable road. The Government has determined to construct a road to it, but the appropriation made is not sufficient. I appeal to gentlemen on both sides, then, not to permit a feeling of parsimony to deny the few thousands asked to complete this road. We have given millions in pensions to the living; let us not deny the pittance necessary to honor the dead.

I will read the following letter from the Quartermaster-General:

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., February 5, 1879.

DEAR SIR: I have the honor to advise you that we have begun work on the Vicksburg Cemetery road, but that we have not money enough to carry it on to completion. You may remember that the original estimate of the cost (based upon a preliminary reconnaissance) was \$13,000, while the amount granted by Congress for the work was only \$7,000. Now that the route has been carefully surveyed, the grades established, and the road cross-sectioned, a tolerably accurate estimate can be made, and a telegram just received from the engineer in charge states that the work will cost \$12,000 exclusive of the bridges, the cost of which was not embraced in the original estimate, as will be seen by inclosed copy of engineer's report and of letter to you from the War Department, dated February 14, 1878. The bridges, Mr. Gall states, will cost \$10,000. Unless, therefore, an additional appropriation is granted we shall have to suspend operations as soon as the \$7,000 is expended. This would be regretted. The contractor now has his men and teams on the ground and the Department has engineers there attending to that work and other cemetery business in the vicinity. It would, therefore, be much cheaper and better in every way to complete the road now than to have it only half built. I suggest, therefore, the propriety of granting the additional sum of \$5,000 necessary to finish the road, which will be of great benefit to the cemetery.

Very respectfully, your obedient servant,

M. C. MEIGS,

Quartermaster-General, Brevet Major-General, United States Army.

A true copy:

A. F. ROCKWELL,

Captain and Assistant Quartermaster, United States Army.

Hon. J. R. CHALMERS,

House of Representatives, Washington, D. C.

The Southard Amendment.

SPEECH OF HON. J. N. WILLIAMS, OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 25, 1879.

On the Southard amendment to the legislative, executive, and judicial appropriation bill.

Mr. WILLIAMS, of Alabama. Mr. Chairman, for appending this amendment to an appropriation bill we do not offer excuse, but we have the best of reasons founded in both law and fact. If the sections sought to be expunged have no support in the Constitution of the United States, then they ought not to remain on the statute-book, or be enforced as the law of the land. This is purely a business proposition, apart from partisan preference and political excitement, and by its fair and just consideration I am willing to abide.

Is it the business of the States to provide for and conduct elections to Federal office, or is it the duty of officials authorized by Congress? This question comprises the whole argument, and for its solution we turn to the Constitution.

The first clause of section 4, article I of the Constitution, is in these words:

The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

This language offers no difficulty of construction. No refinement of reasoning is required to ascertain its meaning. It is plain, simple, and brief; and it is both comprehensive and mandatory. The "times, places, and manner of holding elections" * * * shall be prescribed in each State by the Legislature thereof."

Time, place, and manner are essentials of a lawful election, and here is an absolute requirement of the Constitution that these shall be provided by State legislation—not provided alone, not furnished merely, but prescribed.

Authority is reserved to Congress to make regulations, or to alter such as may have been made by the respective States. Whether this power was designed to be operative in the event of neglect or refusal on the part of a State to provide for its due representation in Congress, we need not inquire. It is certain that the primary obligation is on the State. And when the State through its legislation has done all that the Constitution requires, Congress can rightfully do nothing more than substitute new regulations, or "alter" those already prescribed by the State.

It is a fact, Mr. Chairman, that every State in the Union has prescribed the "times, places, and manner of holding elections for Senators and Representatives." Each has its own system in full and free operation, and each has its Representatives in both Houses of Congress. Now let us examine the statutes which are sought to be repealed by this amendment, and see what they are. They are from section 2011 to section 2031 inclusive, and for the sake of strict accuracy I will quote them in full:

SEC. 2011. Whenever, in any city or town having upward of twenty thousand inhabitants, there are two citizens thereof, or whenever, in any county or parish, in any congressional district, there are ten citizens thereof, of good standing, who prior to any registration of voters for an election for Representative or Delegate in the Congress of the United States, or prior to any election at which a Representative or Delegate in Congress is to be voted for, may make known, in writing, to the judge of the circuit court of the United States for the circuit wherein such city or town, county or parish, is situated, their desire to have such registration, or such election, or both, guarded and scrutinized, the judge, within not less than ten days prior to the registration, if one there be, or, if no registration be required, within not less than ten days prior to the election, shall open the circuit court at the most convenient point in the circuit.

SEC. 2012. The court, when so opened by the judge, shall proceed to appoint and commission, from day to day and from time to time, and under the hand of the judge, and under the seal of the court, for each election district or voting precinct in such city or town, or for such election district or voting precinct in the congressional district, as may have been applied in the manner hereinbefore prescribed, and to revoke, change, or renew such appointment from time to time, two citizens, residents of the city or town, or of the election district or voting precinct in the county or parish, who shall be of different political parties, and able to read and write the English language, and who shall be known and designated as supervisors of election. (See sections 5521 and 5522.)

SEC. 2013. The circuit court, when opened by the judge as required in the two preceding sections, shall therefrom and thereafter, and up to and including the day following the day of election, be always open for the transaction of business under this title, and the powers and jurisdiction hereby granted and conferred shall be exercised as well in vacation as in term time; and a judge sitting at chambers shall have the same powers and jurisdiction, including the power of keeping order and of punishing any contempt of his authority, as when sitting in court.

SEC. 2014. Whenever, from any cause, the judge of the circuit court in any judicial circuit is unable to perform and discharge the duties herein imposed, he is required to select and assign to the performance thereof, in his place, such one of the judges of the district courts within his circuit as he may deem best; and upon such selection and assignment being made, the district judge so designated shall perform and discharge, in the place of the circuit judge, all the duties, powers, and obligations imposed and conferred upon the circuit judge by the provisions hereof.

SEC. 2015. The preceding section shall be construed to authorize each of the judges of the circuit courts of the United States to designate one or more of the judges of the district courts within his circuit to discharge the duties arising under this title.

SEC. 2016. The supervisors of election, so appointed, are authorized and required to attend at all times and places fixed for the registration of voters, who, being registered, would be entitled to vote for a Representative or Delegate in Congress, and to challenge any person offering to register; to attend at all times and places when the names of registered voters may be marked for challenge, and to cause such names registered as they may deem proper to be so marked; to make, when required, the lists, or either of them, provided for in section 2026, and verify the same; and upon any occasion, and at any time when in attendance upon the duty herein prescribed, to personally inspect and scrutinize such registry, and for purposes of identification to affix their signature to each page of the original list, and of each copy of any such list of registered voters, at such times, upon each day when any name may be received, entered, or registered, and in such manner as will, in their judgment, detect and expose the improper or wrongful removal therefrom, or addition thereto, of any name.

SEC. 2017. The supervisors of election are authorized and required to attend at all times and places for holding elections of Representatives or Delegates in Congress, and for counting the votes cast at such elections; to challenge any vote offered by any person whose legal qualifications the supervisors, or either of them, may doubt; to be and remain where the ballot-boxes are kept at all times after the polls are open until every vote cast at such time and place has been counted, the canvass of all votes polled wholly completed, and the proper and requisite certificates or returns made, whether the certificates or returns be required under any law of the United States, or any State, territorial, or municipal law, and to personally inspect and scrutinize, from time to time, and at all times, on the day of election, the manner in which the voting is done, and the way and method in which the poll-books, registry lists, and tallies or check-books, whether the same are required by any law of the United States, or any State, territorial, or municipal law, are kept.

SEC. 2018. To the end that each candidate for the office of Representative or Delegate in Congress may obtain the benefit of every vote for him cast, the supervisors of election are, and each of them is, required to personally scrutinize, count, and canvass each ballot in their election district or voting precinct cast, whatever may be the indorsement on the ballot, or in whatever box it may have been placed or be found; to make and forward to the officer who, in accordance with the provisions

of section 2025, has been designated as the chief supervisor of the judicial district in which the city or town wherein they may serve, acts, such certificates and returns of all such ballots as such officer may direct and require, and to attach to the registry list, and any and all copies thereof, and to any certificate, statement, or return, whether the same, or any part or portion thereof, be required by any law of the United States, or of any State, territorial, or municipal law, any statement touching the truth or accuracy of the registry, or the truth or fairness of the election and canvass, which the supervisors of the election, or either of them, may desire to make or attach, or which should properly and honestly be made or attached, in order that the facts may become known.

SEC. 2019. The better to enable the supervisors of elections to discharge their duties, they are authorized and directed, in their respective election districts or voting precincts, on the day of registration, on the day when registered voters may be marked to be challenged, and on the day of election, to take, occupy, and remain in such position, from time to time, whether before or behind the ballot-boxes, as will, in their judgment, best enable them to see each person offering himself for registration or offering to vote, and as will best conduce to their scrutinizing the manner in which the registration or voting is being conducted; and at the closing of the polls for the reception of votes, they are required to place themselves in such position, in relation to the ballot-boxes, for the purpose of engaging in the work of canvassing the ballots, as will enable them to fully perform the duties in respect to such canvass provided herein, and shall there remain until every duty in respect to such canvass, certificates, returns, and statements has been wholly completed. (See section 5521.)

SEC. 2020. When in any election district or voting precinct in any city or town, for which there have been appointed supervisors of election for any election at which a Representative or Delegate in Congress is voted for, the supervisors of election are not allowed to exercise and discharge, fully and freely, and without bribery, solicitation, interference, hindrance, molestation, violence, or threats thereof, on the part of any person, all the duties, obligations, and powers conferred upon them by law, the supervisors of election shall make prompt report, under oath, within ten days after the day of election, to the officer who, in accordance with the provisions of section 2025, has been designated as the chief supervisor of the judicial district in which the city or town wherein they served, acts, of the manner and means by which they were not so allowed to fully and freely exercise and discharge the duties and obligations required and imposed herein. And upon receiving any such report, the chief supervisor, acting both in such capacity and officially as a commissioner of the circuit court, shall forthwith examine into all the facts; and he shall have power to subpoena and compel the attendance before him of any witness, and to administer oaths and take testimony in respect to the charges made; and, prior to the assembling of the Congress for which any such Representative or Delegate was voted for, he shall file with the Clerk of the House of Representatives all the evidence by him taken, all information by him obtained, and all reports to him made. (See section 5522.)

SEC. 2021. Whenever an election at which Representatives or Delegates in Congress are to be chosen is held in any city or town of twenty thousand inhabitants, or upward, the marshal for the district in which the city or town is situated shall, on the application, in writing, of at least two citizens residing in such city or town, appoint special deputy marshals, whose duty it shall be, when required thereto, to aid and assist the supervisors of election in the verification of any list of persons who may have registered or voted; to attend in each election district or voting precinct at the times and places fixed for the registration of voters, and at all times and places when and where the registration may by law be scrutinized, and the names of registered voters be marked for challenge; and also to attend, at all times for holding elections, the polls in such district or precinct.

SEC. 2022. The marshal and his general deputies, and such special deputies, shall keep the peace, and support and protect the supervisors of election in the discharge of their duties, preserve order at such places of registration and at such polls, prevent fraudulent registration and fraudulent voting thereat, or fraudulent conduct on the part of any officer of election, and immediately, either at the place of registration or polling place, or elsewhere, and either before or after registering or voting, to arrest and take into custody, with or without process, any person who commits, or attempts or offers to commit, any of the acts or offenses prohibited herein, or who commits any offense against the laws of the United States; but no person shall be arrested without process for any offense not committed in the presence of the marshal, or his general or special deputies, or either of them, or of the supervisors of election, or either of them, and for the purposes of arrest or the preservation of the peace, the supervisors of election shall, in the absence of the marshal's deputies, or if required to assist such deputies, have the same duties and powers as deputy marshals; nor shall any person, on the day of such election, be arrested without process for any offense committed on the day of registration. (See sections 5521, 5522.)

SEC. 2023. Whenever any arrest is made under any provision of this title, the person so arrested shall forthwith be brought before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States.

SEC. 2024. The marshal or his general deputies, or such special deputies as are thereto especially empowered by him, in writing, and under his hand and seal, whenever he or either or any of them is forcibly resisted in executing their duties under this title, or shall, by violence, threats, or menaces, be prevented from executing such duties, or from arresting any person who has committed any offense for which the marshal or his general or his special deputies are authorized to make such arrest, are, and each of them is, empowered to summon and call to his aid the bystanders or posse comitatus of his district.

SEC. 2025. The circuit courts of the United States for each judicial circuit shall name and appoint, on or before the 1st day of May, in the year 1871, and thereafter as vacancies may from any cause arise, from among the circuit court commissioners for each judicial district in each judicial circuit, one of such officers, who shall be known for the duties required of him under this title as the chief supervisor of elections of the judicial district for which he is a commissioner, and shall, so long as faithful and capable, discharge the duties in this title imposed.

SEC. 2026. The chief supervisor shall prepare and furnish all necessary books, forms, blanks, and instructions for the use and direction of the supervisors of election in the several cities and towns in their respective districts; he shall receive the applications of all parties for appointment to such positions; upon the opening, as contemplated in section 2012, of the circuit court for the judicial circuit in which the commissioner so designated acts, he shall present such applications to the judge thereof, and furnish information to him in respect to the appointment by the court of such supervisors of election; he shall require of the supervisors of election, when necessary, lists of the persons who may register and vote, or either, in their respective election districts or voting precincts, and cause the names of those upon any such list whose right to register or vote is honestly doubted to be verified by proper inquiry and examination at the respective places by them assigned as their residences; and he shall receive, preserve, and file all oaths of office of supervisors of election, and of all special deputy marshals appointed under the provisions of this title, and all certificates, returns, reports, and records of every kind and nature contemplated or made requisite by the provisions hereof, save where otherwise herein specially directed. (See section 627.)

SEC. 2027. All United States marshals and commissioners who in any judicial district perform any duties under the preceding provisions relating to, concerning, or affecting the election of Representatives or Delegates in the Congress of the United States, from time to time, and, with all due diligence, shall forward to the

chief supervisor in and for their judicial district, all complaints, examinations, and records pertaining thereto, and all oaths of office by them administered to any supervisor of election or special deputy marshal, in order that the same may be properly preserved and filed.

SEC. 2028. No person shall be appointed a supervisor of election or a deputy marshal, under the preceding provisions, who is not, at the time of his appointment, a qualified voter of the city, town, county, parish, election district, or voting precinct in which his duties are to be performed.

SEC. 2029. The supervisors of election appointed for any county or parish in any congressional district, at the instance of ten citizens, as provided in section 2011, shall have no authority to make arrests, or to perform other duties than to be in the immediate presence of the officers holding the election, and to witness all their proceedings, including the counting of the votes and the making of a return thereof.

SEC. 2030. Nothing in this title shall be construed to authorize the appointment of any marshals or deputy marshals in addition to those authorized by law, prior to the 10th day of June, 1872.

SEC. 2031. There shall be allowed and paid to the chief supervisor, for his services as such officer, the following compensation, apart from and in excess of all fees allowed by law for the performance of any duty as circuit court commissioner: For filing and caring for every return, report, record, document, or other paper required to be filed by him under any of the preceding provisions, ten cents; for affixing a seal to any paper, record, report, or instrument, twenty cents; for entering and indexing the records of his office, fifteen cents per folio; and for arranging and transmitting to Congress, as provided for in section 2020, any report, statement, record, return, or examination, for each folio, fifteen cents; and for any copy thereof, or of any paper on file, a like sum. And there shall be allowed and paid to each supervisor of election, and each special deputy marshal who is appointed and performs his duty under the preceding provisions, compensation at the rate of \$5 per day for each day he is actually on duty, not exceeding ten days; but no compensation shall be allowed, in any case, to supervisors of election, except to those appointed in cities or towns of twenty thousand or more inhabitants. And the fees of the chief supervisors shall be paid at the Treasury of the United States, such accounts to be made out, verified, examined, and certified as in the case of accounts of commissioners, save that the examination or certificate required may be made by either the circuit or district judge.

These enactments are of recent date. They were adopted in the years 1871 and 1872. Not one alters or changes in any sense the existing regulations of any State. Taken singly or together they do not make "regulations" for the "times, places, and manner of holding elections for Senators and Representatives." They do not provide for a single election, either in whole or in part. Some may claim authority for these sections under the fourteenth and fifteenth amendments of the Constitution. To show the absurdity of such a conclusion I quote both amendments:

ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SEC. 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

I aver, then, that these statutes have no support in the Constitution, and I believe that this position is fortified by the impregnable logic of fact and history.

And yet, Mr. Chairman, the effort to repeal this legislation is called revolutionary, and denounced as a movement against the peace of the country; and gentlemen avow that they will exhaust the resources of their parliamentary skill and experience to prevent the repeal. They have wrought themselves into high excitement because democrats seek to remove laws for which no warrant can be found in the Constitution.

It is not hard, Mr. Chairman, to find the cause of all this passion. These statutes are a fit addendum to the "reconstruction" scheme of the republican party. Reconstruction was confessedly outside the Constitution, although members of Congress took the same oath to support that instrument then that they take now. Something had to be done to secure the republican party in the control of administration, whether that party had majorities in the States or not.

A restoration of the seceded States that would not strengthen

the republican organization was not to be tolerated. The idea that States should be admitted to full and equal privileges in the General Government, unless they came to advance the policy and purpose of the republican party, was too grievous to be borne.

And it was under the dominance of the same spirit that these statutes were enacted. They are a part of the same party machinery, calculated, adjusted, and wielded in the same interest. Without them that party will be shorn of a power by which it has coerced elections and enforced its own will. And now to surrender these potent weapons of party success, and remit to the States the management and control of their elections under the Constitution, is a proposition which encounters extreme bitterness and fierce resistance. Usurpation never yields its hold except at the stern command of popular power. The people, once robbed of their rights, never recover them except by tearing from power and place all who thrive by public wrong. And it is in obedience to the demand of the people, as we understand it, that this amendment is offered. The Constitution has been a forgotten thing long enough. It is high time to bring legislation back to its recognition, and to expunge from the books all laws which were enacted in open disregard of that great charter. No party in a free government has a right to special privileges or the enforcement of laws designed for mere party advantage. No statute should stand that does not promote the general good of the people. No party should stand that legislates only its own ends. Why should not these statutes be repealed? Let us examine.

Section 2011 provides that when two citizens of any town or city of more than twenty thousand inhabitants or ten citizens in any county or parish desire to have an election for Congress "guarded and scrutinized," they "may make known in writing" their wish to a Federal judge, and he must open his court "at the most convenient point" in the circuit. Going back to the Constitution and remembering that it requires the States to prescribe the "times, places, and manner" of holding such elections, the pertinent question arises what authority or business has Congress to have a State election "guarded and scrutinized." Here is not merely a direct usurpation; it is an insult to the integrity of the States.

Section 2012 makes the court a most fruitful manufactory of these political agents called "supervisors," requiring it to proceed "from day to day and from time to time," and with the power to revoke, change, or renew its appointments. It strikes me that this is a prostitution of a Federal judicial tribunal.

Section 2013 requires that the court when once opened shall until the day following the election "be always open for the transaction of business under this title," and its special powers and jurisdiction "shall be exercised as well in vacation as in term time." And a judge sitting at chambers has "the same powers and jurisdiction" as when sitting in court. In other words, a circuit court of the United States is turned in upon a town, city, or county to guard and scrutinize a State election.

But the offensiveness of this legislation is peculiarly manifest in sections 2017 and 2018. The supervisors are "authorized and required" to impose their presence upon the State officials "at all times and places for holding elections of Representatives and Delegates in Congress, and for counting the votes cast at such elections." They are required further to challenge the vote of any person whose "legal qualifications" they or either of them "may doubt." The makers of this section did not condescend to say what disposition should be made of a vote challenged by the supervisors but accepted by the State officials.

The supervisors are also to be a close guard upon the ballot-box until the vote is counted and the returns are made up. And as a part of their work, they are "to personally inspect and scrutinize" the manner in which the voting is done, as well as the manner of keeping the tally-sheets, whether these things be regulated by State laws or not. Section 2018 is thorough and comprehensive. The supervisors, under the pretext of seeing that the election is entirely fair, are to "personally scrutinize, count, and canvass each ballot," "whatever may be the indorsement on the ballot or in whatever box it may have been placed or be found." The question comes again, what right has Congress through Federal officials to step into a State election for any purpose? What business has Congress with the vote or count of a popular election except upon a contest for a seat in this House?

By section 2019 the supervisors are "authorized and directed" to take such position, "either before or behind the ballot-boxes," as will best enable them to complete their work of interference with the voting and with the conduct of the election; and afterward to do the same thing with reference to the situation of the ballot-boxes and the count and returns of the vote. Intrusion could not be more complete.

By section 2021 the marshal of the judicial district is required, on the written application of two citizens, to appoint "special deputy marshals" to "aid and assist" the supervisors. The citizens making the application need not be reputable men. Here is a new set of Federal officials for the work of trespassing upon and interfering with the legitimate and exclusive duties of officers appointed by the States under a mandate of the Constitution. Nor is the marshal restricted to anything save his own preference in his appointments. He may be, and in these days he usually is, a mere partisan minion, expected and required to devote his official service to the aims of his party.

And yet he is empowered to multiply himself for the purposes of this remarkable legislation.

Section 2022 defines the duties of marshals and crowns the work of usurpation. The marshal and his deputies are to "keep the peace and support and protect the supervisors," to "preserve order," "prevent fraudulent registration and fraudulent voting," to "prevent fraudulent conduct on the part of any officer of election," and to arrest "with or without process" any person who, in their opinion, "commits any offense against the laws of the United States." Could any provision of law be more sweeping? And these duties and powers are exclusive. They are not to be exercised as auxiliary to the State authority, but their purpose seems to be to supersede such authority. Every State in the Union has provided all the necessary machinery for these elections. Each has laws regulating the "times, places, and manner" of holding elections, laws for preserving the peace, for the prevention and punishment of fraud, and for fairly ascertaining and correctly declaring the will of the people. But here is a Federal statute which, while it does not make new regulations for elections nor "alter" the existing regulations of any State, imposes an offensive surveillance upon State officials, and even authorizes their arbitrary arrest. Ingenuity could hardly conceive a more thorough arrangement for overriding the work of the States which the Constitution binds them to do.

I have thus, Mr. Chairman, cited these election laws and compared them with the letter of the Constitution. It is evident that the two cannot stand together.

The secret of the opposition to this amendment is not that it is revolutionary, or that it endangers the public peace. That charge is mere pretense. The true reason is that it seeks to abolish the unwarranted machinery through which a political organization wields unconstitutional and dangerous powers. The repeal will not discriminate against any party or section, but it will put an end to an unfair and oppressive advantage now enjoyed by one of the great political parties of the country. This fact explains the whole of this excited opposition. Centralism has struck its roots deep, and every step that looks toward laying the ax to the tree shakes the anxious soul of a great and powerful party.

I am glad, Mr. Chairman, that these election laws were made general. It was a great mistake of the republican party not to limit their operation to the South. As long as only the white people and democrats of that section suffered it was not thought worth while to inquire whether the Constitution had any merit to be considered or the States any rights to be protected; but when the marshals and supervisors began to invade the elections in the North, and illustrate the spirit and purpose of their authority, the people awoke to a consciousness of this great abuse.

If these sections are not a most valuable part of republican party machinery, why do the members of that faith in the House so bitterly fight this amendment, and why are democrats equally determined in the other direction? No such excitement would follow an effort to repeal legislation not partisan in its aims and operation. It is pretended on one side that these statutes are necessary for the protection of the citizen; on the other it is shown that they abuse the rights of the citizen. When a State, in the line of constitutional requirement, has "prescribed" every appropriate safeguard and necessary regulation for the free exercise of the right of suffrage, what right or business has Congress with any question of "protection?" With equal propriety Congress might assume to "protect" the citizen against the courts of his State when he stands charged with an offense against the State. Two years ago the whole republican party took the position that Federal elections in the States were, under the Constitution, within the exclusive control and regulation of the States respectively; that Congress had no power to inquire into any fraud perpetrated in such elections, even though that fraud might reach to the extent of determining the Presidency.

So sacred were the rights of the States then held that no approach could be allowed toward the holy ground of the ballot-box. No profane gaze could be permitted to search the mysteries that shrouded ballots, counts, and returns, no matter how much fraud there might be nor how far it affected the rights, interests, character, integrity, and honor of the Government and people. It is true that nobody credited that party with any sincerity in this position. Everybody knew that it was assumed for the special purpose of screening the frauds through which the reins of administration were retained against the great voice of the people. But still the position was deliberately taken and proclaimed as the true doctrine. And yet, in the face of this fact, the same party insists on preserving and enforcing statutes which transcend all barriers of State protection, and insultingly trespass upon the innermost precincts of State authority.

I will not enter upon a discussion of the subject of State rights. There is no occasion to do so in this connection. But we do intend that the country shall understand the deep wrong of the laws that we propose to remove. Nor do I care to speak at length of the operation of this superadded election machinery in my own State. It is enough to say that no republican is ever brought before the courts or tried. The marshals and deputies all are special agents in the interest of the republican party, and a regular system of prosecuting and persecuting democrats is in operation. With juries packed to convict, with personal liberty at the will of perjured witnesses, and with no appeal from the judgments of a hostile court, the men of

Alabama can see nothing to admire in legislation that makes these things possible. And they will stand by their Representatives in the struggle to force this repeal, whether upon an appropriation bill or in any other shape. An appropriation bill is a necessary medium at this time, because we can secure a repeal in no other way. Let the work go on, and let those who heed the Constitution and truly represent their States and people stand with unalterable purpose in the position that we have here taken.

The Fisheries.

SPEECH OF HON. WM. W. CRAPO,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, March 1, 1879,

On the Senate concurrent resolution recommending the abrogation of the fishery articles of the Washington treaty.

MR. CRAPO. Mr. Speaker, it is upon the abrogation of the fishery articles of the Washington treaty that the prosperity and I may add the continuance of the American sea-fisheries depend. This treaty was not concluded in the interests of the New England fishermen, nor at their request. On the contrary, the high joint commission which framed the treaty had full knowledge of the wishes of our fishermen, and were aware that free markets for Canadians in exchange for free fishing for Americans had been opposed as an exchange decidedly disadvantageous to this country. Under the reciprocity treaty with Canada, which terminated in 1866, our fishermen had tested the value of this interchange of privileges and knew that the balance was against them. In every agitation for a renewal of reciprocity the New England fishermen have remonstrated and protested against this unequal interchange of privileges.

The great and absorbing questions before the commission which framed the Washington treaty were those growing out of the late civil war; questions of England's liability for damages to our commerce by reason of the building and equipping and manning of confederate cruisers. Every other question was overshadowed by the so-called Alabama claims. The treaty proposed the settlement of all causes of difference between the two countries, as is usual in the making of treaties, and hence there were articles embraced in it concerning the San Juan boundary-line and concerning the fisheries. It is true that differences had arisen between the local authorities of the Provinces and our fishermen while in the prosecution of their business, sometimes leading to collisions, and it was deemed wise to prevent their recurrence. But in this the treaty has signally failed, since no longer ago than January of last year our fishermen were mobbed, their vessels seized and detained, their seines destroyed, and their voyages broken up by the lawless acts of the provincials.

Free fishing in Canadian waters was granted to the people of this country and free fishing in American waters was granted to the Canadians, and the Canadian fishermen were allowed our markets for their fish free of duty. The Canadians claimed that the privileges they gave were of greater value than those they received, and a commission was provided to determine what money compensation, if any, should be paid by the United States to Great Britain. The commission met at Halifax, and made an award against the United States of \$5,500,000. This award was considered by the people of this country as excessive and exorbitant. Many doubted whether it was lawfully or honorably due. Besides being grossly and palpably excessive in amount, there were grave reasons for thinking that the arbitrators had transcended their jurisdiction, and also had omitted to consider in their computation elements in favor of the United States. It was thought that England would, upon the presentation of our objections to the award, readily admit its injustice and decline to receive a sum so exorbitant and unwarranted by any fair statement of facts. The United States, prompted by a desire to maintain the principle of arbitration among nations, and to deprive Great Britain of every technical excuse for omitting a review of our criticisms, paid the money. Great Britain took the money and keeps it, and doubtless will continue to keep it. It is unnecessary, and perhaps improper, to comment on the action or motives of Great Britain in accepting this award. It was wise, in my judgment, for the United States to pay the amount; whether it was wise of Great Britain to accept it has been determined by her notions of self-interest.

We have paid the award of \$5,500,000, and we have a right to the inshore fisheries of the Provinces for the six years to come. And yet connected with it is a burden so grievous that our fishermen with one voice ask for the abrogation of the fishery clauses of the treaty at once, without waiting the expiration of the full term.

The testimony before the Committee on Foreign Affairs, of persons experienced in this business, shows conclusively that the practical working of this treaty had been to foster and greatly stimulate the Canadian fisheries, and to an equal extent to damage and cripple our own. Since 1873, when this treaty became operative, the Canadians have with each year added to the number of their boats, their fisher-

men, and their catch of mackerel. Since that date the American fishermen have experienced the losses of a declining and ruinous business.

The reasons are apparent. The New England fishermen engage in the mackerel and cod fisheries at a large cost for vessels, outfits, and supplies. Their vessels must be suitable to withstand the storms and gales of the ocean, their fishing gear and outfits must be of the highest excellence, and their supplies must be of generous quantity and good quality to meet the demands of the American sailor, who requires better fare than do the sailors of any other nationality. The fishermen of the Provinces, with small boats or cheap dories, with inexpensive outfits, and with coarse, cheap fare, are employed near their homes. The permanent investment and the operating expenses of our American fishermen are vastly in excess of those of their Canadian competitors. The frequent communication by steam-vessels between the Provinces and Boston enables the provincial fishermen to ship their catch almost daily, while our fishermen must retain theirs on board until the close of their season's cruise; and in this way our competitors secure the better prices of the early market. We give to them by the treaty every advantage of markets which we possess, while we cannot, from the nature of things, possess ourselves of the advantages which their close proximity to the fishing-grounds gives to them in small capital, cheap supplies, and low wages.

But I have not time to discuss the reasons; I must content myself simply with facts and results. We find an industry once prosperous and profitable sinking the capital invested. We find the labor which once received remunerative wages obtaining a beggarly return. The crews of our fishing-vessels are paid by a share of the catch, and their earnings depend upon the quantity of fish taken and the prices obtained for them. The average earnings of these men for the season of 1878, embracing the five months from June to November, were about \$27.90 for each man or \$5.58 per month. The returns to the vessel-owners have been equally ruinous. But I will not detain the House with the detailed account of losses. The figures demonstrate that the Dominion fishermen will in a very few years inevitably supplant our American fishermen unless seasonable and effectual remedies are provided.

During the year 1878 the domestic catch by vessels from Massachusetts ports was 144,205 barrels of mackerel; the importations into that State from the provinces were 102,148 barrels. This large importation of foreign-caught mackerel has kept the market depressed throughout the season. As an evidence of this there was sold in Boston, in December last, one lot of 1,400 barrels of mackerel for \$1.75 per barrel, which would leave a net of about forty cents per barrel after paying the cost of barrel, salt, packing, and inspection.

One fact is worthy of mention in considering the amount awarded at Halifax. During the season of 1878 the whole number of American vessels visiting the bay Saint Lawrence for mackerel was 273. The total amount of fish taken within the three-mile limit was 20,202 barrels which were sold in our markets for \$84,848. For this one year's privilege we have paid by the Halifax award about \$450,000 in cash, and during the year we have remitted duties on Canadian mackerel, cod, and other fish amounting to about \$350,000.

The cod fishery suffers by the treaty stipulations as well as the mackerel fishery, with no advantages accruing to it, since the cod is not taken within the three-mile line. The remedy for the depression and losses now so grievously weighing down our fisheries is in the abrogation of this treaty. Unless this be secured all other relief will be partial and temporary. Restored to the conditions existing prior to the treaty our fishermen will take courage and will continue the prosecution of a business which in the past has added to the general wealth and prosperity of the country. But if we are disposed to let this industry, upon which a population of one hundred and fifty thousand people is dependent, fade out, and to allow our fishing-vessels to decay, and force their crews into other employments, it is well for us to consider whether there may be other losses and dangers in surrendering these fisheries to a rival nation.

Our fathers thought it wise to foster and encourage the fisheries, not simply for the addition of wealth gained from the sea, but to secure for the national defense trained and hardy seamen for use in naval warfare. For seventy years this Government, and prior to that the colonies, paid liberal bounties to aid the development and increase of our fishing marine. These bounties have been abandoned, and the New England fishermen, relying upon their energy and enterprise, do not ask a renewal of them. But they do ask that the United States shall not offer a bounty to build up this industry in the hands of rivals. When we are confronted with a declining merchant marine; when the carrying trade is passing into the hands of foreigners; when we remember that our whaling fleet, which twenty years ago numbered six hundred ships with eighteen thousand sailors—the best sailors on the globe, disciplined and educated in voyages of three and four years' duration—is now reduced to one hundred and sixty-three vessels with less than five thousand sailors, we may well inquire where are the sailors to come from to man our Navy in case of foreign war.

We can build vessels of war in a few weeks when the emergency arises. With our resources of timber and iron and copper and every material entering into the construction of vessels, we can build ships at short notice in our private ship-yards even if we cannot in our

navy-yards, but efficient and hardy sailors come only from the training and experience of years of toil and danger upon the sea.

During the late civil war our Navy was largely manned by New England fishermen and whalers. The rolls will show that the acting masters, ensigns, mates, and other subordinate officers came largely from these employments. The Alabama burned our ships and left our sailors to find their way home to enlist in the naval service of their country. Massachusetts furnished twenty-five thousand men for the Navy during the late war, nearly one-third of the total number enlisted in that service.

When, in 1785, William Rotch, of Nantucket, then the leading whaling merchant of America, suffering from the losses of the Revolution and deprived of English markets by the prohibitory duties upon oil imposed by Great Britain, went to England with the view of establishing there his business by taking his ships and sailors to some English port, Lord Hawkesbury refused to receive the ships because they were not British-built. He said to Mr. Rotch: "It is not ships we want, for our carpenters can build ships, but it is your sailors we want."

Unless we are prepared to retire from the ocean; to relinquish all hope of ever becoming a great maritime power, with no commerce of our own, and no Navy to defend it or to assert our position among the nations of the earth, then we should cease to discriminate against our fishermen in favor of the fishermen of the Dominion. But while we have a country whose shore is two oceans and which invites to mastery on the seas as well as on the land, let us protect and encourage every branch of marine industry.

England cannot object to the abrogation of this treaty. The representatives of Great Britain and the Dominion of Canada have asserted that the award was an inadequate compensation for the privileges granted to the United States. They have declared with persistency and apparent sincerity that they regarded the privileges of the in-shore fisheries as of very great value and the privileges of the American markets as of slight value. If we offer to surrender at once all claim to the fisheries for which we have made full payment for the next six years, with no request or suggestion for a return of any part of the purchase money, Great Britain and the Provinces cannot but accept the proposition with pleasure. The acceptance of such a proposition will remit our fishermen to the fishing grounds and markets which they enjoyed before the enforcement of this treaty, and will give value to their fishing property and a fair return for their labor.

Japanese Indemnity Fund.

SPEECH OF HON. S. A. BRIDGES,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 3, 1879,

On the bill (H. R. No. 5131) in relation to the Japanese indemnity fund.

Mr. BRIDGES. Mr. Speaker, in discussing the questions which naturally arise from the consideration of the bill now before the House it will be necessary to be somewhat historical in order that the country may fully understand and know the reasons which will govern our action in deciding upon them.

In the twenty-five years which have elapsed since Commodore Perry first penetrated the barriers of seclusion with which the Japanese Empire and people had been surrounded for a period of two centuries that people has made such almost unprecedented progress in the arts, sciences, manners, and customs of modern civilization as to command the admiration of all other nations.

It was in the year 1853 that Commodore Perry, in command of an American squadron, first succeeded in communicating with the officials of the Japanese Empire and establishing friendly relations with that government, and in the following year he again visited the Japanese islands and secured the ratification of a treaty of amity with but nominal privileges. This treaty was made with an officer who bore the title of Tycoon or Shogoon, and who was thought by Commodore Perry, in the light of the limited information then at his command, to be the supreme ruler of the country, the error of which was not discovered until several years after the ratification of a subsequent treaty made in 1858, which was also signed by the Tycoon on the part of Japan, and which granted commercial privileges and made concessions under very stringent restrictions, and permitted Americans to reside at a few designated ports within greatly circumscribed limits. The government of the empire was of a feudal character, consisting of a confederation of powerful independent princes, some of whom were possessed of immense wealth who all acknowledged the sovereignty of the Mikado, the spiritual ruler of the empire, but many of whom were extremely jealous of the power of the Tycoon, who was the generalissimo or commander-in-chief of the armies by hereditary right and the authority of the Mikado, and who by reason of his power and great wealth has assumed the executive functions of the government which were tacitly relinquished to him by the Mikado.

The advisory council was composed of appointees called governors and the body styled the gorogio.

Of this council the Tycoon was the leader and was addressed and referred to by all officials as "his majesty," from which the impression was formed by foreigners that he was the supreme ruler of the empire, which impression was not dispelled until the early part of the year 1863, when in a dispatch to the Secretary of State the American minister said "the Tycoon is outranked by at least four personages in this empire," and from that time until the final ratification of the treaties by the Mikado, in 1866, the invalidity of the treaties signed by the Tycoon is frequently alluded to in the correspondence by both the Secretary of State and the American minister in Japan. The breach of the time-honored traditions of the empire committed by the Tycoon in admitting foreigners was bitterly opposed by a large number of the native princes, among them being those of Nagato and Satsuma, two of the most wealthy and powerful in the whole empire, and was discountenanced by the Mikado himself. Under such overpowering difficulties it became practically impossible for the Tycoon to execute the provisions of the treaties which he had made.

In the mean time Russia, Great Britain, France, and the Netherlands had secured concessions similar to those which had been granted to the United States; and, in the absence of correct information of the facts, the apparent vacillation of the Tycoon was erroneously construed by all, and great pressure was brought to bear upon him by the foreign representatives acting in concert to compel him to perform the stipulations of his compact. The populace of the entire empire were wrought into a high state of excitement by the disaffected princes, and it was with the greatest difficulty that the Tycoon maintained his position by a seeming acquiescence in the popular demand for the expulsion of all foreigners.

This agitation, while nominally directed against foreigners and for the purpose of expelling them from the country, was really an attempt by some of the powerful enemies of the Tycoon who coveted his position and power to cause his overthrow, seizing upon the pretext in furtherance of their sinister designs. This is strongly evidenced by the fact that the Princes of Satsuma and Nagato, the most powerful opponents of the Tycoon and of his policy, were the first to offer concessions to foreign powers when the power of the Tycoon had been broken. During these turbulent times the American minister was frequently appealed to by the officers of the Tycoon's government, as the especial friend of Japan, to intercede in their behalf with the representatives of other foreign powers.

The opposition of the Prince of Nagato, or Choshu, finally terminated in open rebellion to the authority of the Tycoon, and was even carried to the extent of sending an expedition against the capital of the empire where the Mikado resided. The prince also erected batteries on the heights bordering the north side of the straits of Shimonoseki, which connected the China Sea with the inland sea of Japan, the latter being a narrow body of water lying between two of the principal islands of the Japanese Empire and having two passes connecting it with the Pacific Ocean, and having purchased three vessels which were armed, equipped, and manned as war-vessels, declared his intention to close the straits to navigation, firing upon all vessels which attempted to pass, including those of the Tycoon and other native princes. In June, 1863, the steamer *Pembroke*, a small American merchant-vessel, was fired upon at the strait by the forces of the prince, and although not injured was delayed by being compelled to make a circuitous route through another channel.

For this outrage the owners of the vessel, through the American minister, demanded and received from the Tycoon's government the sum of \$10,000, and the additional sum of \$2,000 was paid to the minister of the United States on his demand as interest for a short delay in the settlement of the bill, which amount was applied to the liquidation of the expenses of the legation. The Tycoon promptly disclaimed the insult to our flag, denounced the act of the prince, and promised to chastise him as soon as he could muster sufficient force to do so. Without waiting for this, the American minister, Mr. Pruyn, consulted with Commander McDougal, of the United States steamer *Wyoming*, then at that station, and the result of the consultation was the immediate dispatch of that vessel to avenge the insult, which was done in a most effectual manner. The engagement at the strait was one of the most brilliant on record, the *Wyoming* engaging in close combat the extraordinary odds of three armed vessels, aided by several heavy shore batteries which assailed her from the heights, the result being the total destruction of one of the vessels, the sinking of another, and the disabling of the third; the damage sustained by the *Wyoming* being slight, and her casualties four men killed and seven wounded, while the loss of life on the part of the opposing forces of the prince was very great. Subsequently a French vessel, and one belonging to the Netherlands, were assailed at the same strait, retaliation in each case being prompt and disastrous to the prince. In the summer of 1864 the reactionary element had gained such strength that the Tycoon was rendered powerless, and the representatives of foreign powers held a conclave at which it was determined that the powers should unite in striking such a blow as would demonstrate the omnipotence of their power and the impotence of resistance by the opposition; and the power, wealth, prominence, and hostility of the Prince of Choshu pointed him out as the "terrible example;" in evidence of which the following extracts from the memorandum then made and signed by all the representatives in council is sufficient proof. After stating

the possibility of an outbreak when the then strong force of the powers had been withdrawn, they say:

How and where the first blow must be struck is clearly determined by an examination of the present state of things. * * * Foreign powers, therefore, in chastising the Prince of Choshu, will meet the exigencies of their position and best contribute to the security of their subjects who have been injured by this belligerent Daimio.

The removal of the obstructions to the free navigation of the inland sea by destruction of the batteries whence the attack has come will ruin the prestige of the aggressor, open the eyes of the Daimios deceived by our inaction, and show the inability of their means and their impossibility of standing before the science and military resources of the treaty powers.

In conformity with the conclusion reached at this conference, the squadrons of the various treaty powers, consisting of nine British war-vessels, carrying one hundred and sixty-four guns and twenty-eight hundred and fifty men; three French war-vessels, carrying sixty-four guns and eleven hundred and fifty-five men; four Netherlands war-vessels, carrying fifty-six guns and nine hundred and fifty-one men; and a small merchant-steamship which was chartered to represent the United States in the fleet, with one gun, taken from the United States ship *Jamestown*, and under command of Ensign Pearson, with seventeen men detailed from the *Jamestown*, sailed from Yokohama as a fleet under the general direction of the British admiral, and on the 4th, 5th, 6th, 7th, and 8th days of September, 1864, destroyed the batteries and magazines of the Prince of Choshu at Simonoseki, totally routed his forces, and compelled him to sue for peace. The loss of the British, French, and Dutch in this engagement was very heavy, twenty-three of the British wounded being cared for on board of the American representative in the fleet, but that vessel and her entire crew remained uninjured, although Ensign Pearson rendered effective aid at long range with the gun taken from the *Jamestown*. His mission was accomplished, however, even without this, as he was only sent to indicate to the Japanese the entire unity of the foreign powers.

On the return of the fleet to Yokohama the foreign representatives again met in council, and, gratified with the success of the expedition, thought proper to demand as a further exhibition of their power an indemnity for the losses sustained and expenses incurred, which were first estimated at two millions of dollars, but subsequently raised to three millions, with the evident purpose of forcing the opening of an additional port in lieu of payment, as was indicated in the articles of the convention then entered into between the representatives of foreign powers and those of the tycoon's government.

Although all claims against the Japanese prior to the sailing of the expedition had been settled, the American representative was compelled to join those of the other foreign powers in making this demand in order to carry out the agreement of unity of action, as the amount named was a gross sum and that to be paid to each was not designated in the articles of convention. This convention was signed by all the parties on the 22d day of October, 1864, and the foreign ministers then met to divide the gross amount. The British minister very generously suggested that the disparity of forces and the actual losses should be ignored, and that the moral weight of the unity of action should entitle each power to an equal share. As Great Britain was by far the heaviest sufferer by the action, none could object to this, and it was therefore agreed that each power should receive one-fourth of the gross sum, or \$750,000. But the French minister claimed that he should receive \$140,000 to be first deducted for the damage of the French vessel assailed by Choshu some months previously, and the Netherlands representative a similar amount for the attack on the Dutch vessel. Not to be outdone in the matter of claims, the American minister demanded a similar amount for the *Pembroke* affair, although the claim had been overpaid by the tycoon's government. All these claims were allowed by the minister of Great Britain, and thereby the portion received by the United States, whose claims had all been previously settled, and whose single small merchant-vessel and seventeen men came out of the engagement entirely unharmed, was greater by \$140,000 than that of Great Britain, whose nine war-steamers and twenty-eight hundred and fifty men bore the brunt of the battle, and suffered severely in damage to the vessels, in killed and wounded men, and the great expense incurred during a five days' action with such a large force and one hundred and sixty-four heavy guns.

The ratification by the United States Government of the convention exacting this money is due to the lack of a provision for its division and the absorption of public and official attention by the wants of our great civil war which was at that time straining the energies of every officer of the Government and monopolizing both branches of the National Legislature. The receipt of the money by this Government is due to the magnanimous action of the other powers concerned, for we clearly had not at the time any grievance against the Japanese, as is shown by the published official correspondence. In addition to this fact the acceptance of this sum by our Government is placed in a still more unfavorable light by the friendly reliance which has from the first characterized the intercourse of the Japanese with our Government and people, and which took the form of an article in the treaty of 1858 with Japan, which reads as follows:

ARTICLE II.

The President of the United States, at the request of the Japanese government, will act as a friendly mediator in such matters of difference as may arise between the government of Japan and any European power.

The ships of war of the United States shall render friendly aid and assistance to such Japanese vessels as they may meet on the high seas, so far as can be done without a breach of neutrality; and all American consuls residing at ports visited

by Japanese vessels shall also give them such friendly aid as may be permitted by the laws of the respective countries in which they reside.

This article places Japanese interests under the especial protection of the American Government throughout the world, and we stand convicted of having taken an undue advantage of our ward while acting in the capacity of a self-appointed guardian. Reprehensible as such an act of perfidy is accounted in an individual, how much more so does it appear as the act of one of the greatest nations of the earth and the especial advocate of justice and equity between nations.

The total amount received from Japan by this Government was \$75,000 in gold coin, calculated as follows:

The amount received from Japan by the four powers as before stated was.....	\$3,000,000
Deduct the amounts claimed by France, Netherlands, and the United States, each \$140,000—total.....	420,000
Remainder.....	2,580,000
This sum, divided among the four powers, would be to each.....	645,000
To this add the \$140,000 paid to France, Netherlands, and the United States, each.....	140,000
Make.....	785,000

Secretary Seward recognized the injustice of the exaction when the first installment was received; and being convinced of its ultimate return to Japan, retained it and the succeeding installments in the custody of the State Department as a special trust fund, and as such it is still held in that Department. There have been several reports upon this subject by committees of the Senate and House, invariably and unanimously favorable to its return, but concurrent action has never been secured, else our always friendly relations with the Japanese Empire and people would ere this have been more firmly cemented, and a strong impetus given to our commercial intercourse with Japan by the righting of this grievous wrong. The money when received, instead of being placed in the vaults, was invested in our bonds, and the money itself was used in paying our indebtedness, thus taking the place of other funds, which would have been required, and for which the full rate of interest on the bonds (5 per cent.) would have necessarily been paid.

Fortunately these bonds increased in value, but had they declined it would have been as much a requirement of justice to make good the loss, because the investment was an involuntary one in the nature of a forced loan, as it is to return any portion of this principal. This, however, we are not called upon to do, but on the contrary, by the provisions of the bill, the principal with equitable interest at the rate of 5 per cent. should be returned to Japan less the amount of \$125,000 to be paid to the officers and crew of the United States ship Wyoming, and the officers and crew of the Takiang for "extraordinary, valuable, and meritorious, and perilous services rendered in the destruction of the enemy's vessels in the strait of Shimonoseki, leaving the accumulations from the appreciation of the securities, the compounding of the interest, (which was uniformly reinvested by the custodian of the fund, as appears by the records of the State Department, an abstract of which I have in my hand,) and the accretion through fortunate operations in the bond market, which collectively aggregate nearly half a million of dollars, to be covered into the Treasury after deducting \$125,000 for the purpose specially mentioned in the second section of the bill and before referred to, than which no more meritoriously deserved appropriation was ever made for a similar purpose. And why is it that the State Department should think of and be so scrupulously exact as to keep a debit and credit account with the Japanese government if it was not done with an honest intention of paying it back? And shall this House now refuse to indorse what has been so honestly and honorably done, and withhold from the Japanese government that which is its just due? To do so would be to bring a stain upon its character, and dishonor upon the American nation.

In the light of the abundant information now at command the conviction forces itself upon all who investigate this subject, first, that the original exaction was a grievous error which should be rectified as quickly as possible by restitution; second, that the investment of the fund in our bonds and using the money to pay our debts entitles the Japanese government to a fair rate of interest, but not to the accretions which resulted from the judicious manipulation of the fund by its custodian; and, last, that the officers and crews of the Wyoming and Takiang, whose rights to prize money are lost through a technicality, should be recompensed for their exceptional bravery by the special donation provided for in the bill. But it will undoubtedly be said that they are not entitled to anything, because by not having captured the enemy's vessels they are not brought within the purview of the law relating to prizes. Admit it. But did they not destroy them and thus render them powerless of evil? Were they not swept from a hostile attitude and made no longer able to do injury to our ships and our commerce? Was not the result substantially the same and the benefits to our country of as great magnitude as if they had captured them? If so, should we hesitate to place them on the roll of beneficiaries and grant them the boon so justly provided for them in the bill? Justice, equity, national gratitude, and a proper appreciation of American heroism forbid it. A heroism in this case almost, if not wholly, unparalleled in the historic bravery of our national troops when an officer on the Wyoming, while eagerly watching the changing scenes of the combat, stood with match in

hand and outstretched arm ready to apply it to the magazine, preferring to have the men and vessel blown to atoms than to surrender to the enemy, by whom, if they had been captured, they would have suffered the most cruel death. Hard and cruel would it be if such unexampled heroism and devotion to our national flag, national honor, and national interests should not receive a willing and most cordial recognition.

But it may be asked whether we have any precedents for such a recognition? History will not permit me to present a case exactly parallel to the present, and the nearest I can find to it are the following:

Congress by special acts awarded—

First. To the officers and crew of the United States frigate Constitution, for the destruction of the British frigate *Guerrière*, \$50,000, to be distributed as prize-money.

Second. To Captain William Bainbridge, his officers and crew, for the destruction of the British frigate *Java*, \$50,000, to be distributed as prize-money.

Third. To the officers and crew of the sloop of war *Wasp*, for the capture of the British sloop of war *Frolic*, \$25,000.

Fourth. To Captain Oliver H. Perry and the officers and crew of his squadron, for the capture of British vessels on Lake Erie September 10, 1813, \$255,000, and \$5,000 to the captain in addition to his share of the aforesaid sum.

Fifth. To the officers and crew of the sloop of war *Wasp*, for the capture and destruction of the British vessels *Reindeer* and *Avon*, \$50,000, and one year's pay in addition.

Sixth. To Commodore Decatur, his officers and crew, for the capture of Algerian vessels, which were afterward released and restored to the Dey of Algiers, \$100,000.

Seventh. To the officers and crew of the United States steamer *Kearsarge*, for the destruction of the Alabama, \$190,000, the full estimated value of that vessel.

There are other precedents of the same character, but these will suffice to show the practice of our Government for a long series of years, and for a continuance of that practice what should be done in the present case. Not in the distribution of prize-money under the law, for there is no money of that character in the case under consideration, but what is equivalent, making a donation to a class of meritorious citizens.

In fixing the amount of \$125,000 to be paid to them, two years' pay has been taken as the basis of computation, as a proper and just criterion by which to arrive at it. Had the Wyoming captured instead of destroying the enemy's vessels, and their value been distributed as prize-money under the law, they would have been entitled to a much larger sum. In expressing a willingness to receive this, to them insignificant sum compared with the danger of life and the magnitude of the gallant services rendered, they are not influenced so much by the intrinsic value of the money as a desire for the recognition by the Government of the greatness of their deeds of most noble daring. And what American heart can fail to beat high with admiration of our naval service, of whose gallantry and prowess we have had so many illustrious examples? Who can be found so cold and indifferent as to say that the brave men who have saved our national flag from disgrace and our national character from dishonor shall not be recognized as beneficiaries and receive a trifling remuneration?

The objects contemplated in this bill are of vital importance in every aspect in which it may be viewed. It will give encouragement to our Navy to follow the noble example of the Wyoming, and will have a tendency to establish the most friendly relations with Japan; will give a fresh impetus to our commercial intercourse with it, and will hold up our integrity and honor to an admiring world. And in returning this money to Japan, how insignificant is the sum compared with the vast benefits to our country which will result from friendly relations, and our business intercourse with it. But the favorable results of trade will be of minor importance to us, compared with the discharge of a moral duty in returning to that country that to which we cannot lay a legal or equitable claim, thereby establishing a character for integrity and honor which should be an example worthy of the imitation of other nations for all time to come.

I hereto append a letter from the Secretary of State upon this subject; also a statement of the situation of the fund up to December 1, 1878.

The following letter is from the Secretary of State:

DEPARTMENT OF STATE,
December 12, 1878.

SIR: Referring to verbal request on your behalf for a statement of the condition of the Japanese indemnity up to date, I have the honor to inform you that there are now belonging to that indemnity bonds and coin as follows:

United States 10-40 bonds, 5 per cent.....	\$1,208,000 00
United States five percents of 1881.....	299,450 00
Coin.....	30,285 00
Interest earned to date on 10-40 bonds.....	12,835 00
(The next payment of interest on these bonds will be received March 1, 1879.)	
Interest earned to date on new five percents of 1881.....	1,746 78
(The quarterly payment of interest on these bonds will be on February 1, 1879.)	

Total..... 1,552,316 78

I have the honor to be, &c., your obedient servant,

WM. M. EVARTS.

HON. GUSTAVE SCHLEICHER,
House of Representatives.

The following statement shows the situation of the fund and amount due December 1, 1878:

Interest on each installment from the time of payment to December 1, 1878, at 5 per cent.:	
First installment from September 4, 1865.....	\$86,000 91.33
Second installment from January 8, 1866.....	84,335 16.33
Third installment from May 16, 1866.....	82,045 58.33
Fourth and fifth installments from July 29, 1874.....	56,807 83.33
Sixth installment from August 1, 1874.....	28,351 58.33
Total.....	338,141 08
Add principal received.....	785,000 00
Total principal and interest, December 1, 1878.....	1,123,141 08
Total of fund December 1, 1878.....	1,552,316 78
Deduct amount to be returned.....	1,123,141 08
Balance to our credit.....	429,175 70
Deduct amount of prize-money.....	125,000 00
Net profit covered into the Treasury.....	304,175 70
Add premium on bonds.....	110,064 00
Total.....	414,239 70

The Sugar Tariff.

SPEECH OF HON. A. TOWNSEND,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, March 1, 1879,

On the bill (H. R. No. 6134) to regulate the duties on sugar.

Mr. TOWNSEND, of Ohio. Mr. Speaker, from the discussion had on this subject, I am led to the conclusion that no real difference of opinion exists as to the amount of duty that sugar should pay the Government, but we vary widely as to the methods to be employed in the adjustment and collection of that duty. Some gentlemen advocate one thing and some another, but we all agree that a radical change in the law is necessary, so that the consumer and importer and manufacturer may stand on an equal footing and the Government receive what is justly its due, the full revenue.

If the practical experience of the last twenty-five years has taught us anything in regard to the methods of collecting the duties on foreign importations, it has certainly demonstrated beyond all reasonable doubt the great advantage of specific duties as compared with what is known as graduated or *ad valorem* valuations; and I think I am warranted in saying that all the later modifications and amendments to the revenue laws have tended in the direction of substituting the former for the latter whenever it could be done and the nature of the article would admit. I have no doubt that most all the complaints of undervaluation, improper sampling, false invoices, and smuggling are the logical results of the system adopted by the Government of scaling the values and graduating the rates of duty on certain kinds of goods, and it can be shown that where the law provides a specific duty on any given article there is no possibility of undervaluation, no opportunities for fraud, and no trouble in collecting the revenue.

In view of these facts, attested by experience, which have not and cannot be successfully controverted, it becomes our plain duty and carefully consider and determine how far this specific duty can be properly applied in adjusting the duty on an article that varies so much in value as sugar. The value of sugar depends so largely on its dry or its damp condition, its color, granulation, and saccharine strength, that it is utterly impossible under the present law for even an honest man of good judgment and experience to separate the different grades or tell with any degree of certainty just where one ends and the next begins, and renders it impracticable to adjust the duty correctly and do justice to both the importer and the Government. These numerous classifications have undoubtedly invited fraudulent sampling and undervaluation, and conclusively show the urgent necessity of a radical change in this respect. I am therefore clearly of the opinion that sugar is an article on which the Government should fix a specific duty.

The bill reported by the Committee of Ways and Means substantially accomplishes this object, and under its operation, should it become a law, all sugar not above No. 13, Dutch standard, will pay a uniform duty of 2.40 cents per pound. This sugar is all used by the refiners, and covers more than 96 per cent. of all that which is imported. The new law will also classify all the various grades below No. 13 under one general head. The higher grades, from No. 13 to No. 16, will pay a duty of 2.75 cents per pound, and above No. 16, which includes refined sugars, the duty is fixed at 4 cents per pound. Taking the importation of last year as a basis, it shows that but about 4 per cent. of all the sugars imported were above No. 13, Dutch standard, which amount is nearly equally divided between the two classes, that of No. 13 to No. 16 and No. 16 to No. 29 and over, or 2 per cent. for each class. The average duty under the present law is 2.332 cents

per pound on all sugars imported, and this bill makes it 2.40 cents per pound, which is a difference of less than one-tenth of a cent. This is so trifling an amount that it can have no appreciable effect on the sugar business, and the new law would go into operation without in any manner disturbing our commercial relations or the values or investments in sugar or sugar refineries. It would substitute specific for graduated duties, and would not endanger nor in any way unfavorably interfere with capital invested in the honest and legitimate business of importing, handling, or refining sugars.

It is of great importance to understand, and should have due weight in determining this matter, that any sudden change in the revenue laws often results to the great advantage of one class of merchants and dealers, and a corresponding loss and sometimes ruin to others. In my opinion, this proposition is not open to that objection; as, on the contrary, it does not interfere with any man engaged in the sugar business who relies on his ability and skill as a merchant or refiner, and who is willing to have just and equitable laws honestly and rigidly enforced. The law should be so plain and simple in its provisions, and so easy of execution, that it will enable the Government to collect the duty on every pound of sugar imported into the United States exactly the same on the same class of sugars from every man, whether he imports in small or large lots. When this is honestly and squarely done no one man has an advantage over another and the market is open for the investment of capital and for honorable competition, where capacity, judgment, and mercantile experience will not be cheated out of its just reward by fraud, collusion, false invoices, and undervaluations, which is too often the case in a greater or less degree under a system of graduating the values.

Admitting the necessity of some change in the present law, what are the objections urged against the bill of the Committee of Ways and Means now under consideration? I have heard of but one that apparently has any weight, and that I propose to consider and answer, if possible. The objection is urged that the low grades of sugar are discriminated against, and that they will be practically excluded from our markets. I claim that this statement is without proof to sustain it, and have taken some pains to investigate its truth or falsity. I desired some reliable data on which to base my conclusions, and to accomplish this called at the Bureau of Statistics and had prepared a comparative statement showing the amount of sugar imported last year, with the rates and amounts of duty collected under the present law compared with the rates and amounts under the proposed law. I find that the very first line of figures in the statement refutes positively and plainly the idea that this bill discriminates against the low grades, such as melada, concentrated molasses, &c., which pays a duty of only 1½ cents per pound, and amounts to only 2 per cent. of the importation, the Government collecting thereon less than three-quarters of a million dollars. This is a mere bagatelle, not to be made the controlling idea in adjusting the revenue on an article which pays into the Treasury \$38,000,000 on \$80,000,000 of property. I was surprised at the result, as I have no doubt other gentlemen will be who have not investigated this subject for themselves.

I will not trouble the House with the details of this table, but will have it printed as a part of my remarks. I will, however, state briefly some of its conclusions.

The consumption of sugar in the United States is 1,690,000,000 pounds per annum, and 200,000,000 pounds of this amount is produced at home—one-eighth of the consumption—the balance, seven-eighths, being imported from foreign countries. This table shows that of the amount imported 36,691,376 pounds is sirup of sugar, sugar-cane juice, melada, or concentrated molasses, which is valued at \$1,383,482, and pays a duty of 1½ cents per pound, the revenue derived amounting to \$67,963.36. Under the new law the revenue would be \$89,593.02, a difference of less than \$200,000. Sugars not above No. 7, Dutch standard: amount imported, 860,287,182 pounds; value, \$41,516,497.65; duty paid, 2½ cents per pound; and revenue derived, \$18,818,782.07. Under the new law the revenue would be \$20,646,892.37. All above No. 7 and not above No. 10: importations, 618,019,876 pounds; value \$33,232,883.08; duty paid, 2½ cents per pound; and revenue derived, \$15,450,496.94. Under the new law the revenue would be \$14,832,477.02. All above No. 10 and not above No. 13: importations, 72,316,574 pounds; value, \$4,110,502.19; duty paid, 2½ cents per pound; and revenue derived, \$2,033,903.70. Under the new law the revenue would be \$1,735,597.78. This includes everything up to No. 13, and under the new law will be rated uniformly at 2.40 cents per pound, the average duty under the present law being 2.332 cents per pound, a difference of only .068, or about ⅓ of a mill per pound. The average duty on the entire importation of last year under the present law was 2.332 cents per pound, and the same importation under the proposed law will be but 2.40 cents per pound.

It has been claimed that the proposed law will increase the percentage of duties on the low grades so much that it will amount almost to confiscation as compared with the present law. This statement is not supported by facts. Under the present law the low-grade sugars, melada, and concentrated molasses, pay a percentage of 49.73, and under the proposed law it would be 63.75, a difference of less than 14 per cent. All below No. 7 under the present law pays a percentage of 45.33, and under the proposed law 49.73, a difference of only about 3½ per cent. The average duty on all the grades up to No. 13 is 46.10,

and under the proposed law 47.47; and it will be noticed that figuring it from this stand-point there is substantially very little difference.

In this comparative statement it is shown that the amount of revenue received by the Government under the present law is \$37,075,426.96, and on the same amount for another year under the proposed law it would be \$38,167,192.91, an average on its cost of 46.13 per cent. under the present law, and 47.49 under the proposed law. This would give an increase of duty of only \$1,091,765.95, or a little less than 3 per cent. of an increase over the present rate.

It will be seen further from this statement, which is verified by statistics that are entirely reliable, that the changes in the results are very trifling, not enough to affect in any degree present investments in sugar or sugar refineries; and the proposed bill only makes as a matter of fact such a change in the law as reorganizes the system of collecting the revenue on sugar, rendering it simple and easy of execution, where it was before difficult and troublesome and held out inducements for sharp practice and absolute fraud to those who were unscrupulous and saw proper to engage in such undertakings.

It is admitted by the Treasury Department that it is impossible to collect the duties properly under the present system of a graduated tariff by the Dutch standard, the effect being that wherever possible all sugars are introduced under the lowest rate of duty. Hence, in his annual report, the Secretary of the Treasury says:

It is imperative that some change in the mode of collecting duties on sugar should be had, and it is preferred, as stated in the last report, that the duty should be at one rate on all grades of sugar up to a point which will exclude temptation either to color sugar for the purpose of reducing the duty, or to commit fraud by means of sampling and classification. The duties now are, to a large extent, dependent upon the fidelity of the sampler, one of the lowest paid officers in the public service.

It will be seen that the bill proposed by the Committee of Ways and Means conforms to this recommendation of the Secretary of the Treasury, inasmuch as a uniform duty up to No. 13 covers all refining sugars and will do away with all artificial coloring as well as undervaluation through improper sampling. The only alternative proposed is that in connection with the present graduated tariff by color standard there shall be added some test which shall give the relative amount of crystallizable sugar and other substances. To accomplish this purpose it has been proposed to introduce the polariscope, it being claimed by the few parties who urge its use that it is reliable for this purpose. The Secretary of the Treasury, however, in his conference with the Committee of Ways and Means, expresses his doubts as to its entire reliability in the following statement:

In order to avoid any doubt, I propose in the draught of the bill to leave the Department at liberty to adopt any test. It is not only intended to apply to the polariscope, but to apply to any other test that human device can invent. When any attempt has been made in the Internal Revenue Bureau to fix a particular implement, like the Tice meter, as a test, it always has been found the instrument was by the ingenuity of the people avoided or evaded. But I think that the Department should be left at liberty to apply any test that it may choose.

Let us look for a moment at the effect of introducing this delicate instrument by the use of which less than an ounce of sugar is to be used for fixing the rates of duty on a cargo. In the first place, in actual use between buyers and sellers of sugars, it is in evidence that is unquestionable that the variations of this instrument are very wide, and that it is never entirely reliable as indicating the value of a cargo of sugar. Further, that the same difficulties in sampling which makes the Dutch standard unreliable in the lower grades will be found in the tests of the polariscope, inasmuch as the test is wholly dependent upon the character of the sample. But even were it ever so reliable, the position in which the use of the polariscope would place the merchant is sufficient to condemn its use for the purpose of determining duties, as it would leave the merchant in a position of uncertainty as to the duties to be levied, which cannot fail to be a serious embarrassment by reason of the impossibility of determining in the producing countries where sugars are purchased what will be the test of the polariscope on their arrival in the consuming country. On so important an article of commerce as sugar, involving large amounts at risk, it is unreasonable and unjust to enact a law for ascertaining the duty, which by the trifling variations of chemical tests, the character of which he may not know, the merchant may be subjected to possible serious loss. The only reason why this suggestion has ever been entertained for a moment is the claim that a graduated tariff is a necessity in order to the importation into this country of low-grade sugars.

But a little examination shows this claim to be as great a fallacy as the proposed test is intricate. In the first place, under the present graduated tariff, the poorest sugars of the world have come and are coming alongside the best grades of refined sugars, paying the same amount of duty, and no one has ever claimed that the coming in of these sugars is hindered by the competition. In the second place, the fact of our increased consumption is entirely overlooked in this discussion. While these gentlemen claim the proposed tariff would give us only the high-grade sugars of Cuba, they ignore the fact that by the great increase of consumption the entire crop of the Island of Cuba is inadequate to supply the wants of the United States, and that of necessity we must go into a large portion of the producing countries of the world for the supply of our constantly increasing wants. If it is true, as stated by the refiners presenting this claim, that our refining industry is dependent upon this grade of sugars, it is just as true that under any tariff the goods will be forthcoming, the only differ-

ence being that by a uniform tariff on the refining sugars each grade will find its proper level in the countries of production, and the anomaly now existing of low-grade sugars costing more than better grades will disappear. It is testified by many sugar refiners that under our present graduated tariff these sugars come in excess; that the demand of the consumer is for a better grade of refined sugars, for which better qualities of the raw article are needed. Hence the majority of the refiners of this country are to-day favoring a change of the tariff and the adoption of the report of the committee, believing that its working will give the consumer a better quality of refined sugars without increasing its cost, and I have no doubt that this is true.

Seven-eighths of all the sugar consumed in the United States is imported from South America and the West Indies, the planters making just such sugars as our people want and the revenue laws admit most advantageously. They sell to us because they need a buyer for their product; and we purchase of them because we need the sugar. The importers engage in the business because they get freight for their ships and make a profit on the cargo; and the refiners want it to supply their customers, to keep their machinery running, and also to make their profit. Hence, the whole business is a matter of dollars and cents. Men engage in it because it is profitable, and there need be no apprehension that it will be abandoned. It is too large and too lucrative. But it is our business and our duty to change the present law, which has been found to be so unsatisfactory, and make it plain, simple, equitable, and easy of execution, impossible to evade, so that every man who engages in any branch of the trade may stand on an equal footing with his neighbor, and neither the one nor the other have any possible chance given him to escape paying the Government its rightful revenue. When this is done the whole business will readily adjust itself to the law and the new condition of things, without friction, loss, or injury to any honest man engaged in the sugar trade.

I have sought in this discussion to establish two central ideas, first, the absolute necessity of substituting specific for graduated duties, in order that the Government may honestly and fairly collect its revenue from every pound of sugar imported; second, that this bill will accomplish that result substantially without seriously changing the amount of duties now collected, or in any way disturbing the investments of capital in importing, handling, or refining sugar; and, third, it will not increase its cost to the consumer.

A persistent effort has been made to create the impression that the passage of this law would have the effect of utterly destroying the business of sugar refining in this country, and would seriously lessen the demand for material for sugar boxes, barrels, &c., and the labor employed in making them. The reason assigned for making this startling prediction is to the effect that it will materially decrease the importation of low-grade sugars. This, as I have shown, is a fallacy, as only 2 per cent. of the whole importation of sugar is low grade, and in my opinion it is mere clap-trap, and should frighten no one. Under this new law or under any other law this 2 per cent. of low grade will be imported, if wanted; but under the new law it will probably be manufactured into a better grade and then imported.

Mr. Speaker, laws far more potent than statute laws govern and control the trade and commerce of the world—the law of supply and demand, the desire and ability of the people to buy what they want; and I do not believe, from a careful examination of this whole question, that the change proposed will lessen the importation one hog-head, or the production of the refineries in the United States a single barrel, or that one pound less sugar will be consumed in this country, or that the price to the consumer will be increased the fraction of a cent. Neither do I believe that it will have any effect whatever upon the demand for staves, hoops, barrels, or the labor that is performed in cooper-shops. The same number of barrels will be wanted, and the same amount of labor and material will be necessary; and while it may be distributed between twenty, or thirty, or forty different refineries throughout the country, yet the aggregate amount will be substantially the same as now—certainly no less.

Believing this, I shall vote for the bill now under consideration, feeling that it is a very great improvement upon the present system and is the best that we can hope to pass at this session of Congress. The practical workings of it during the coming year will enable us to make any amendments or modifications that may become necessary when we meet again in this Hall next December.

Amount of duty received on sugar and melada from 1869 to 1878.

Fiscal year.	Sugar.	Melada.	Total.
1869.....	\$30,645,235	\$278,672	\$30,923,907
1870.....	35,956,347	832,694	36,789,041
1871.....	29,690,522	1,060,976	30,751,493
1872.....	27,876,769	988,678	28,865,447
1873.....	24,256,309	1,006,270	25,262,579
1874.....	30,492,526	1,994,793	32,487,319
1875.....	31,380,643	1,269,442	32,650,085
1876.....	37,625,064	1,813,354	39,438,418
1877.....	34,327,350	930,944	35,258,294
1878.....	36,357,164	687,963	37,045,127

Statement showing the quantities and values of sugar and melada imported and entered for consumption during the year ended June 30, 1878; also showing the rates and amounts of duty collected under the present law, and the rates of duty and estimated amounts of duty which would be collected on the same importations under the proposed law.

Commodities.	Melada and sugar.							
	Quantities.	Values.	Rates of duty under—		Amount of duty—		Equivalent ad valorem rate under—	
			Present law.	Proposed law.	Received 1878.	Under proposed rates.	Present law.	Proposed law.
	Pounds.						Per cent.	Per cent.
Sirup of sugar, sugar-cane juice, melada, or concentrated molasses.....	36,691,376	\$1,383,482 00	1½c. per lb.	2 4-10c. per lb.	\$687,963 36	\$880,593 02	49.73	63.65
Sugar:								
All not above No. 7, D. S. in color.....	860,287,182	41,516,497 65	2 3-16c. per lb.	2 4-10c. per lb.	18,818,782 07	20,646,892 37	45.33	49.73
All above No. 7 and not above No. 10.....	618,019,876	33,232,883 08	2½c. per lb.	2 4-10c. per lb.	15,450,496 94	14,832,477 02	46.49	44.63
All above No. 10 and not above No. 13.....	72,316,574	4,110,502 19	2 13-16c. per lb.	2 4-10c. per lb.	2,033,903 70	1,735,597 78	49.48	42.23
Total to No. 13.....	1,567,315,008	80,243,364 92	Av. 2.332	2 4-10c. per lb.	36,991,146 07	38,095,560 19	Av. 46.10	47.47
All above No. 13 and not above No. 16.....	1,474,118	73,830 77	3 7-16c. per lb.	2½c. per lb.	50,672 80	40,538 24	68.63	54.91
All above No. 16 and not above No. 20.....	561,068	35,491 00	4 1-16c. per lb.	4c. per lb.	22,793 39	22,442 72	64.22	63.23
All above No. 20 and all loaf and other refined.....	216,294	16,866 00	5 c. per lb.	4c. per lb.	10,814 70	8,651 76	64.12	51.30
Total No. 16 and above.....	777,362	52,357 00	Av. 4.323		33,608 09	31,094 48	Av. 64.19	59.39
Total of all.....	1,589,566,488	80,369,552 69	Av. 2.332	Av. 2.40 per lb.	37,075,426 96	38,167,192 91	Av. 46.13	47.49
Duty received 1878.....						37,075,426 96		
Increase of.....						\$1,091,765 95		

*Or 2.94 per cent.

Public Printing and Binding—Success of the Present System.

SPEECH OF HON. T. W. BURDICK,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 24, 1879,

On the bill (H. R. No. 6471) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

Mr. BURDICK. Mr. Speaker, various systems for the execution of the public printing have been adopted by Congress and tried in turn, and under all complaint has been made on account of the cost. However, the complaints have not always been confined to this one consideration. Until 1819 the printing of Congress was contracted for by the Secretary of the Senate and the Clerk of the House of Representatives, and was classified as they thought best.

Thus we find the contract system was the first system adopted by the Government. On the 3d of March, 1819, an act was approved directing the manner in which the printing of Congress should be executed, fixing the prices thereof, and providing that each House should for itself appoint a printer. On the 3d of August, 1846, a joint resolution was approved directing the Secretary of the Senate and the Clerk of the House to advertise for proposals to execute the printing for Congress as classified by the resolution, and to award the contract to the lowest responsible bidders. On the 26th day of August, 1852, an act was approved "to provide for executing the public printing, and establishing the prices thereof, and for other purposes." The provisions of this act affecting any change in the previous system were substantially these:

First. Repeal of the joint resolution of 1846, which authorized the Secretary of the Senate and Clerk of the House to make contracts for the printing.

Second. Providing for the election of a Superintendent of Public Printing, and prescribing his duties.

On the 23d of June, 1860, a joint resolution was approved in relation to the public printing, under the provisions of which the Government Printing Office was put into operation on the 3d of March, 1861.

The legislation to which I have briefly referred is that which materially modified or changed existing and prevailing methods or systems of executing the public printing.

THE QUESTION OF PRINTING DISCUSSED.

An interesting discussion of the question of printing occurred in the Seventh Congress, in December, 1801. A reference to the records of such discussion will enable us now to judge as to whether the systems which had been adopted and employed afforded and secured satisfactory results.

At this session of Congress Mr. Randolph, chairman of the committee appointed by the House of Representatives to report what alterations were necessary to expedite the printing business of the House, reported in substance that the committee thought it expedient to request the heads of Departments to attend and inspect the printing of all such documents, reports, and statements as were directed by

law to be annually laid before the House, and that it was necessary that a printer to the House be appointed, who should be held responsible for the faithful and prompt execution of all business confided to him by order of the House.

In support of the proposed legislation Mr. Randolph said he believed—

Sufficient reasons might be offered to convince the House of the expediency of the measure; that if a public printer be appointed he will know his duty and be prepared to perform it.

That he would employ as many workmen as he required; and he further said:

Had there been one appointed by the House last session he would have been on the spot now fully prepared promptly to execute the orders of the House; nor should we have such delays as that by which we are now unfortunately troubled.

This was a first step in the direction of the execution of the printing for Congress by a public printer. The necessity for it then, however, did not exist as it does now, for the reason that the amount of printing ordered and required then was insignificant as compared with what is now required. For instance, by the First Congress it was ordered that 600 copies of the acts of Congress be printed and distributed to the legislative, to the executive, and judicial, and the heads of Departments of the Government of the United States, and the executive, legislative, and judicial of the several States. In comparison with this the last annual report of the Public Printer shows that of this same document there were printed and distributed 26,632 copies. A corresponding increase in other documents printed and distributed has occurred.

By authority of the joint resolution of August 3, 1846, Congress returned from the system of a printer to each House to the "contract system." By this system, as readopted, the work was classified and given to the lowest responsible bidder. This system in the main, as the records show, proved a miserable failure.

The opinion of the public, in and out of Congress, was tersely expressed by Mr. Schench in the House of Representatives on the 11th day of January, 1849, when he said:

That the printing had been worse done and more slovenly done since the adoption of the contract system than it had ever been done before.

A great portion of the work had, he thought, been miserable in point of style, and had been executed so slowly as almost to amount to a denial of the execution of the order of the House.

In this discussion at this time, Mr. Murphy remarked that—

The paper now used is a disgrace to Congress and the country.

The contract system utterly broke down in 1851, and upon its failure, under the act of August 26, 1852, a great advance was made in the execution of the public printing. It was under this act that a practical printer was appointed to superintend the printing on the part of the Government and to furnish the printer to be elected by each House with paper of the qualities adopted by the Joint Committee on Printing.

General Robert Armstrong, of the Washington Union, was the first printer under this act, and was elected by both the Senate and the House of Representatives. Under this system the public printing was much better done both in neatness of style and quality of paper than ever before.

Such in brief is the history of the public printing from the commencement of the First Congress in 1789 to the end of the Thirty-

sixth Congress in 1861. If we heed the lesson it teaches Congress will hesitate before it abandons the present system, either in whole or in part, to return to the contract system.

The fact is that under the contract system the work was not so well done, so promptly executed, nor were the materials furnished of so good quality as under the act of 1852, when the appointment of a public printer was authorized. The working of this system gave such general satisfaction to the people and to Congress that it led to the establishment of

THE GOVERNMENT PRINTING OFFICE.

The joint resolution of 1860 authorized the Superintendent of Public Printing, subject to the approval of the Joint Committee on Printing, to contract for the erection or purchase of the necessary building, machinery, and materials for the purpose of executing the printing and binding authorized by law for the Senate and House of Representatives, the executive and judicial departments, and the Court of Claims.

Pursuant to this resolution, Mr. John Hart, Superintendent of Public Printing, entered into a contract with the owners for the purchase of the property now used as the Government Printing Office, with all the machinery and materials therein. The price paid was \$135,000. This purchase was approved by the Joint Committee on Printing on the 12th of December, 1860.

In 1865, an appropriation having been made for the purpose, an addition was made to the building, sixty by seventy-five feet, making the entire building three hundred feet long by a depth of from sixty to seventy-five feet, and four stories high.

The present incumbent in the office of Public Printer took possession of the Government Printing Office as Superintendent of Printing on the 23d of March, 1861.

His large experience in the printing business and his great executive ability, his good judgment and taste were all devoted with commendable zeal to the organization of the office, and the execution of the printing ordered by Congress in a correct, compact, and handsome manner. He was relieved by President Johnson and did not return to the office of Public Printer until June, 1877. During his absence, the reputation of the office already established was maintained by his successor, under President Grant's administration. The style of the work done at the Government Printing Office speaks for itself, and is the pride of the mechanic.

Under the present system there can be no inducement, as there would be under the contract system, to execute the work in such form and manner as to make it cost the most to the Government and the least to the contractor or person executing the same.

THE SYSTEMS COMPARED.

One of the objects in establishing the Government Printing Office was to reduce the cost of the public printing. That a comparison could be made, the books of the Government Printing Office were so kept as to show, item by item, what the printing ordered would have cost under the act of 1852. By deducting the cost of the printing under the new system, if less, from the cost under the old, would show what saving of expense was effected.

Let it be remembered the work under the new system as to style and quality was far superior to that done under the old, or any former system.

Referring to the report of the Superintendent of Public Printing made to Congress December 11, 1861, I find the following remarks upon the subject of the cost of the public printing:

The statement of its cost, however, compared with what it would have cost under the act of 1852, shows a saving to the Government of \$21,127.95.

As compared with former prices paid for executive printing, there has been a saving of \$10,625.25.

On blank books and ruling for the Departments of \$3,044.60, and on the printing done for the extra session of the Thirty-seventh Congress of \$3,628.66, making the whole amount saved from the 3d of March until the 30th of September by the present mode of \$13,492.46. As a large amount of work was done during the months of October and November not included in the statements submitted, it is safe to say that a saving of at least \$60,000 has been expected up to the 1st of the present month.

From the report made December 21, 1862, I extract the following remarks of the Superintendent:

The report made by me to the last session of Congress exhibited a saving of \$43,492.46 up to the 30th of September, 1861. The facts and figures now submitted will show a further saving of \$162,014.06 from the 30th of September, 1861, to the 30th of September, 1862, which, added to the amount named in my last report, will make the aggregate of \$205,506.52.

But this does not cover all the saving to the Government. A further saving appears to have been made by the substitution of a smaller but much handsomer and more appropriate type for the executive documents printed for Congress. The Superintendent said:

By this change which has been made, as far as practicable, at the present time, a saving has been effected upon this class of public printing amounting to 25 per cent. of the paper and presswork.

A carefully compiled statement has been prepared by the Public Printer, and published in his annual report for 1878, showing the cost of the printing and binding for Congress during the last seven years of what is known as the contract system, and during the last seven years under the present system.

For the seven years under the contract system the cost of this class of printing was \$5,201,459.20. Under the present system the same class of printing, though more than double the amount was executed,

cost but \$4,370,309.98. I append the statement, a tangible argument it seems to me in favor of the present system as compared with the contract system.

Since the Government Printing Office was established, and the building and machinery purchased in 1860, additions to the machinery and facilities for executing the public printing have been made from time to time until it is now conceded to be one of the first of its kind in the world.

It is thoroughly equipped with the most improved machinery, implements, and a corps of employes suited for the varied kinds of work required to be executed in it. The several departments are under the immediate charge of competent, skilled mechanics as foremen, who are experts in their business and who take commendable pride in bringing their respective departments as near perfection as the means and material at their command will permit. Additional room might be used with advantage.

BUILDING EXTENSION.

The bill under consideration provides for the erection of an addition to the building now used for a printing office. This is recommended by the Public Printer, and is needed to properly care for the valuable property, including the sixty-three thousand volumes of Congressional Globe recently purchased by Congress and the stereotype plates of that publication. The labor of the office can be more economically employed if an increase of workshop be provided. The Government owns the ground that would be required for the building extension.

THE WORK HANDSOMELY AND PROMPTLY DONE.

A comparison of the printing and binding done at the Government Printing Office under the present system with that done at any other time and under any other system adopted by the Government will convince the most skeptical that as to quality and style the Government Printing Office is doing better work than has ever before been done for the Government.

That all orders of Congress for printing and binding are promptly executed no one can deny. The Government has at large expense fitted up and equipped in every respect a printing office suited to its wants, where all its printing is expeditiously, correctly, and handsomely done, requiring, after the extension to building provided for shall be completed, but a small annual appropriation to replenish the machinery and implements. In it are kept a corps of employes, experts in their business, sufficient at all times to do the work required. These are paid by the hour or by piece-work; if by the hour, then every hour's loss of time is deducted from their pay; or if by piece-work, then they are paid only for so much work as is performed; in either case in a large measure at prices fixed by congressional enactment. That it is a success is abundantly testified by officers of the Government having printing done there.

When the public interests, legislative or executive, require the greatest amount of printing in the shortest space of time, as frequently and notably occurs during the last few days of a session of Congress, the office is always equal to the task, and no delay or inconvenience is occasioned to legislation in the printing as heretofore. As an illustration of the promptitude with which the Public Printer can and does execute the orders of Congress for printing, I mention one instance: On the afternoon of January 31, during the present session, the Senate ordered the printing of documents accompanying the President's message in relation to the New York custom-house appointments, making four hundred and forty pages, two-thirds being in small type and rule-and-figure matter. This was put in type at the Government Printing Office in less than twenty-four hours from the time the order was received. Such emergencies frequently arise, when printing is required to be executed with greatest dispatch.

PRESENT FACILITIES OF THE GOVERNMENT OFFICE.

Some idea of the capacity of the office or of its facilities for doing the Government work may be formed by looking at the machinery now in use in the office. Without attempting to schedule it, I mention the fact that in the office are fifty-six presses, each adapted to the work required to be done upon it. The Bullock press has a capacity of twelve thousand sheets per hour. Five Cottrell & Babcock presses, each with a capacity of sixteen hundred sheets per hour. Twenty-five Hoe presses, each possessing a capacity of twelve hundred sheets per hour. The motive power consists of one low-pressure beam-engine, one-hundred-and-fifty horse power, and two other engines of lesser power. Other machinery, such as, in the judgment of the Public Printer, was necessary, has been purchased from time to time and added to the office; at the same time the type and implements of the composing-room have been increased so as to render the establishment complete in both departments.

There is certainly no other printing office in the United States possessing such grand facilities for doing varied work as the Government Office. It is said the house of the Harper Brothers in New York possesses facilities superior to any other private establishment in this country, but its facilities, great as they may be, are confined to the execution of those kinds of printing of which they have made specialties. Even in the extensive establishment of the Harper Brothers it is no disparagement to them to say that the public printing could not be by them satisfactorily executed without the outlay of capital for buildings, machinery, and implements which would require the profits of many years of the public printing at fair prices to pay for.

THE PRESENT SYSTEM MORE ECONOMICAL THAN THE CONTRACT SYSTEM.

The charge has been made that the cost of the public printing under the present system is excessive, and the claim is suggested that the materials purchased for and the work executed at the Government Printing Office could be obtained by the Government at less cost if furnished by private individuals and establishments under contracts to be awarded on proposals and bids than the same now cost under the present system. No greater mistake can be made than to so conclude.

The reverse is true. The paper and all materials consumed in the printing are now purchased on proposals under the supervision of the Joint Committee on Printing. An investigation shows that these purchases are made at extremely low prices. The contracts are favorable ones for the Government. These articles enter into the printing and binding at actual cost to the Government. On these the Government pays no profit to middle-men. In addition to the cost of the materials, the price paid for the labor constitutes the entire cost to the Government of the printing. Here again, under the present system, the Government pays no profit to contractors or middle-men; suffers no abuse through the overmeasurement of work or supplying of a cheaper material than the standard. With a Government printing office fully equipped, the Government can execute the printing and binding required at less cost than it can obtain it elsewhere. No private establishment could afford long to execute the work at less than cost.

But those who make the assertion that the work can be obtained at less cost under the contract system rely on estimates made by persons competent, it may be, to make the same, provided their data and premises were correct.

In all the estimates of this character that I have examined, and I have examined the testimony taken by several investigating committees, those making the estimates assume the cost of work at the Government Office—not the cost of all the work done, but of particular jobs. This is erroneous, for the reason that the cost of all the work done need not be estimated, for the books show the precise cost in the aggregate. I have seen no estimate whatever made by private parties of the cost of the entire work, nor have I seen any estimate made even on the cost of the more important items of printing and binding if done by private establishments. By important items I mean such as printing and binding the CONGRESSIONAL RECORD, the Revised Statutes of the United States, the blank-books for the various Departments of the Government, and the finer classes of work done at the Government Office.

The books and reports of the Public Printer show accurately what sum of money is expended annually for the Government printing and binding. They also show the amount of work executed at the office each year.

A reference to the annual report of the Public Printer for 1878 will ascertain the amount of work done for the year ending June 30, 1878. I append a statement showing in detail the amount of work done for each Department.

From the recapitulation I quote:

For the Executive Departments:	Number.
Blanks, envelopes, &c.....	69,388,336
Pamphlets and documents.....	949,761
Blank-books.....	120,150
Miscellaneous volumes.....	31,631
And for Congress:	
Blanks, envelopes, &c.....	5,569,317
Pamphlets and documents.....	17,908,510
Blank-books.....	520
Miscellaneous volumes.....	12,474

The amount of money expended during the year for this work and for paper, materials, machinery, and implements purchased and all other expenses of the office, including salaries, was \$1,638,701.53.

WHAT WORK IS DONE AT THE GOVERNMENT OFFICE.

I may be pardoned for mentioning in detail some of the classes of work done at the Government Office.

It does the work for the Department of State, including books of instruction, blank-books and blanks for consuls throughout the world; the books, blanks, and blank-books for the Treasury Department, including the custom-houses, mints, subtreasuries, and internal-revenue offices for all parts of the United States; for the Post-Office Department, including all the post-offices, numbering over thirty-nine thousand, the money-order offices, domestic and international; for the War Department, including the books and blanks for the Army of the United States, arsenals, depot quartermasters, Surgeon-General's Office, Signal Office; for the Interior Department, including the land offices in all parts of the country; the Patent Office, Pension Office, and pension agents; for the Navy Department, including the Navy, navy-yards, Marine Corps, Naval Observatory, Nautical Almanac Office, and Hydrographic Office. In addition to all this class of work the Government Printing Office does the work for the Department of Justice, the Supreme Court of the United States, the supreme court of the District of Columbia, the Department of Agriculture, the Library of Congress, and the Court of Claims.

THE COST OF THE PRINTING GROWING LESS.

By the introduction of improved machinery the cost of the printing

and binding done at the Government Office is being continually reduced.

As an instance of the reduction in cost at which work can be executed by the use of new and improved machinery, and of the benefits the Government may hope to derive therefrom, I call attention to the result of the purchase and use of nine wire book-sewing machines by the Public Printer for the bindery department. These machines have been purchased and placed in the Government Printing Office during the last year at a total cost of \$13,500. The purchase was made after one of the machines had been placed in the Government Office and thoroughly tried and tested. A record has been kept since the purchase of these machines, showing the work done upon each, the name of the operator, and the time employed.

From the 10th day of October, 1878, to the 1st day of January, 1879, the labor to operate these nine machines amounted to 4,219 hours. There was paid for this labor \$973.23. An estimate of what the labor would have cost had the same work done upon these machines been done by hand as heretofore shows that at the same price for labor it would have cost \$4,488.05, showing a saving to the Government in this instance alone from October 10, 1878, to January 1, 1879, of \$3,514.82.

I append a detailed statement showing the result I have stated. And here let me say the estimate of the Public Printer for book-sewing in 1878-79, when the work was done by hand, was \$38,400, while for 1879-80, after these machines were introduced, the estimate is only \$19,200; a prospective saving in one year in this one item of book-sewing of \$19,200.

Other instances might be mentioned where a great saving to the Government has been secured by the introduction of improved machinery into the office, as in the case of the Cottrell & Babcock press on which the RECORD is now printed. This has resulted in executing the press-work on the bound edition of the RECORD at about one-third the sum it formerly cost on the Adams press.

The requirements of the Government are, or should be, with reference to its printing and binding, that it should be promptly executed; that it should be executed in a neat style and in a compact manner, and at as low a cost as is commensurate with good work. The method or system through or by which these results can be best attained is the one that should be adopted by Congress for its printing.

THE PRESENT SYSTEM THE BEST.

I have already stated that various systems have been tried in turn by Congress to obtain its printing. The contract system has been effectually tried and with unsatisfactory results. It has enriched the contractors and led to great abuses. The system of obtaining the printing and binding at prices fixed by law has been tried without satisfactory results. The character of the work under this system was ever such as to condemn the system. The present system is established on the theory and principle that the Government should obtain its printing and binding at actual cost. This I maintain is the true doctrine. Acting upon it, the Government has purchased the necessary building and machinery. It has established a Government Printing Office possessing facilities to execute the work required. The character of that work is ever in the discretion of Congress.

If it is desired that good printing and binding shall be done, it is only necessary to purchase good materials, use good machinery, and employ skilled labor.

Under the present system the Joint Committee on Printing fix the standard of paper to be used. They award the contracts to the lowest and best bidders for the materials consumed in the printing. Hence Congress directly determines and is responsible for the quality of materials used. These are obtained at an exceedingly low cost. Manufacturers and dealers everywhere may compete for the contracts to furnish paper and materials. They do compete. The remaining element in the cost of the printing and binding is the amount paid for labor. Here the Government pays no profit to middle-men. It obtains the labor at first cost. Congress determines the prices to be paid in nearly all cases. Some discretion is and should be given to the officer of the Government whom the President and Senate of the United States deem competent to manage the Printing Office. This discretion has been used by the Public Printer without abuse.

The salaries paid to officers in the Government Printing Office are low indeed. If any change were to be made they should, in justice to faithful officers, be increased. I say, therefore, in conclusion, that under the present system of executing the public printing an excellent quality of work is obtained; a finer quality might be if Congress should so order and provide, but in that case the cost would be increased to the extent of the increased cost of materials. It is obtained without delay and at actual cost. It is in the power of Congress to reduce the cost. It may be done by purchasing cheaper materials for the work, by paying less for labor, and by ordering less printing and binding done. The result of the first method would be a poorer quality of work, and of the second an economy built on the necessities of laboring-men. It would be an economy that our Government could ill afford to adopt. The other method, by ordering less work done, is legitimate. All useless printing should be discontinued.

I doubt not but that a saving to the Government might be made in this manner without detriment to the public good. The responsi-

bility rests with Congress. The Public Printer executes the orders of Congress. Congress determines what the cost shall be.

THE GOVERNMENT PRINTING OFFICE ECONOMICALLY MANAGED.

It should be a matter of congratulation to Congress that the Government Printing Office has since its establishment been managed with economy and success. The work executed has been of a varied character, from the plainest blank form to the finest work known to the art of printing. The materials used have been gathered from all markets of the country. The internal management of the office has called for the exercise of practical wisdom in the art of printing, book-binding, and directing labor.

From the beginning the Government Printing Office and its management have been watched with a jealous eye by those who felt that their business was injured by the policy of the Government doing its own printing and binding. Had mistakes been made in its management criticism would have been prompt to raise its voice.

The office has not escaped investigation. Repeated investigations have been ordered. Pages and pages of testimony have been taken. Every public official act of the Public Printer for nearly twenty years has been inquired into and examined.

Not an instance of malfeasance or intentional wrongdoing has been discovered on the part of any of the honored gentlemen who have had charge of the office. Each succeeding investigation or inquiry has, with greater emphasis and more certainty, demonstrated and established the fact that the Government Printing Office has been managed with economy, prudence, and success. Every dollar of money appropriated for the public printing and binding has been duly accounted for. The work required has been executed in a satisfactory manner.

The system of executing the printing and binding for the Government by a Public Printer has been tested, tried, and demonstrated to be the best as well as the most economical that has ever yet been adopted by Congress.

EXHIBIT B.

THE GOVERNMENT PRINTING OFFICE.

The following tables show the amount of work done during the fiscal year ending June 30, 1878.

The first table shows the total number of blanks, pamphlets, and documents,

blank-books, and miscellaneous volumes, printed and bound for the Executive Departments.

Department.	Blanks, envelopes, &c.	Pamphlets and documents.	Blank-books.	Miscellaneous binding.
Treasury	23, 092, 188	148, 735	50, 659	4, 666
War	5, 280, 190	44, 734	7, 939	3, 609
Navy	1, 024, 850	31, 315	2, 668	2, 016
Interior	6, 739, 757	629, 272	5, 598	14, 651
Post-Office	32, 299, 873	4, 120	52, 387	484
Agriculture	697, 068	61, 000	50	815
State	113, 645	4, 500	124	5, 317
Judiciary	140, 765	26, 085	725	73
Total	69, 388, 336	949, 761	120, 150	31, 631

The next table shows the number of copies of documents, &c., printed by authority of Congress, as well as on resolutions of the Senate and House, and miscellaneous printing done on requisitions from the Secretary and Clerk, respectively, during the same time. The number of pages are for the documents only:

	Blanks, envelopes, &c.	Pamphlets and documents.	Pages.	Blank-books.	Miscellaneous binding.
Congress		703, 404	37, 211		
Senate	1, 093, 325	5, 116, 761	39, 396	54	1, 147
House	4, 015, 408	12, 000, 745	45, 416	396	153
Library of Congress	149, 000	87, 550		9	11, 176
Public Printer	311, 689	50		151	1
Total	5, 569, 317	17, 908, 510	122, 023	580	12, 474

RECAPITULATION.

Executive Departments	69, 388, 336	949, 761		120, 150	31, 631
Congress	5, 569, 317	17, 908, 510	122, 023	580	12, 474
Total	74, 957, 653	18, 858, 271	122, 023	120, 730	44, 105

EXHIBIT A.

Comparative statement showing the cost of the printing and binding for Congress the last seven years of the old or contract system with the past seven years under the present system.

OLD, OR CONTRACT SYSTEM.

Period.	Cost of printing.*	Number of pages printed.	Cost per page.	Average price per day paid for labor of printers and bookbinders.
1853-'54, first session Thirty-third Congress	\$503, 923 96	32, 364	\$1 53	\$2 73
1854-'55, second session Thirty-third Congress	556, 760 08	43, 089	1 29	
1855-'56, first and second sessions Thirty-fourth Congress	932, 299 86	42, 882	2 17	
1856-'57, third session Thirty-fourth Congress	1, 326, 281 10	38, 076	3 48	
1857-'58, first session Thirty-fifth Congress	1, 696, 816 06	52, 454	1 33	
1858-'59, second session Thirty-fifth Congress	393, 480 05	38, 260	1 03	
1859-'60, first session Thirty-sixth Congress	791, 898 09	53, 898	1 49	
Total	5, 201, 459 20	301, 623	\$ 1 76	

PRESENT SYSTEM.

1871-'72, second session Forty-second Congress	\$878, 004 90	119, 284	\$0 73	\$3 75
1872-'73, third session Forty-second Congress	863, 211 25	63, 011	1 37	
1873-'74, first session Forty-third Congress	636, 239 93	93, 701	69	
1874-'75, second session Forty-third Congress	568, 478 60	66, 194	86	
1875-'76, first session Forty-fourth Congress	493, 912 14	102, 886	48	
1876-'77, second session Forty-fourth Congress	\$434, 652 45	57, 921	72	
1877-'78, first and second sessions Forty-fifth Congress	495, 830 71	114, 100	43	
Total	4, 370, 309 98	617, 097	\$ 75	

* The sums in this column are taken from the reports of the Superintendents of Public Printing.

† Includes printing ordered at previous sessions, but not completed at date of previous annual report of Superintendent of Public Printing.

‡ Average. § For nine months only.

EXHIBIT C.

Statement showing the amount paid for labor on the nine sewing-machines from the 10th of October, 1878, to the 1st of January, 1879, and the names of the operators, the kind of work, and the amount; also the cost of the same if done by hand.

MRS. MARY A. MCGREGOR.

Month.	Hours.	Signatures.	Size.	Title of book.	Cost of labor.	Same, by hand.	Saving.
October	143	133, 400 31, 820 2, 240	4to. 8vo. 8vo.	Revised Statutes	\$32 77	\$277 91	\$295 14
		23, 860	4to.	Agricultural Report			
		165, 575	8vo.	Smithsonian Report			
November	167	8, 280 2, 055	8vo. 4to.	Revised Statutes	38 25	176 57	138 32
			8vo.	Agricultural Report			
			8vo.	Currency Laws			
	310	374, 230	4to.	Constitutions	71 02	434 48	363 46

Average per hour: 4to, 1,134 signatures; 8vo, 1,280 signatures.

APPENDIX TO THE CONGRESSIONAL RECORD.

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EXHIBIT C—Continued.

MRS. HELEN E. RYAN.

Month.	Hours.	Signatures.	Size.	Title of book.	Cost of labor.	Same, by hand.	Saving.
October.....	144	{ 145,452 16,576	4to. 8vo.	Revised Statutes..... Agricultural Report.....	{ \$32 99	{ \$265 54	{ \$232 55
November...	166	{ 58,420 144,303	4to. 8vo.	Revised Statutes..... Agricultural Report.....	{ 38 03	{ 212 10	{ 174 07
December...	179	{ 36,340 188,774	4to. 8vo.	Revised Statutes..... Agricultural Report.....	{ 41 00	{ 210 65	{ 169 65
	948	592,617	4to.	Estimates.....	112 02	688 29	576 27

Average per hour: 4to, 1,126 signatures; 8vo, 1,280 signatures.

MISS LIZZIE KELEHER.

October.....	142	{ 144,532 14,800	4to. 8vo.	Revised Statutes..... Agricultural Report.....	{ \$32 53	{ \$262 92	{ \$230 39
November...	136	{ 48,760 106,449	4to. 8vo.	Revised Statutes..... Agricultural Report.....	{ 31 17	{ 169 97	{ 138 80
December...	81	{ 3,575 29,256	4to. 8vo.	Constitutions..... Revised Statutes.....	{ 18 55	{ 102 93	{ 84 38
	359	412,998	4to.	Agricultural Report..... Estimates.....	82 25	535 82	453 57

Average per hour: 4to, 1,128 signatures; 8vo, 1,179 signatures.

MISS M. L. WINSTEAD.

October.....	141	{ 81,622 82,400	8vo. 8vo.	Agricultural Report..... Smithsonian Report.....	{ \$32 30	{ \$115 30	{ \$83 00
November...	168	{ 94,852 54,776	4to. 4to.	Revised Statutes..... Constitutions.....	{ 38 15	{ 251 89	{ 213 74
December....	183	{ 32,005 12,000	8vo. 8vo.	Agricultural Report..... Smithsonian Report.....	{ 41 91	{ 315 40	{ 273 49
	492	567,713	4to.	Revised Statutes..... Constitutions..... Estimates..... Agricultural Report.....	112 36	682 59	570 23

Average per hour: 4to, 1,170 signatures; 8vo, 1,115 signatures.

MISS MARION R. HENDLEY.

October.....	142	{ 68,561 73,984	8vo. 8vo.	Agricultural Report..... Smithsonian Report.....	{ \$32 53	{ \$89 61	{ \$57 08
November...	168	{ 55,200 20,129	4to. 4to.	Revised Statutes..... Constitutions.....	{ 38 46	{ 202 14	{ 163 68
December...	163	{ 67,875 15,328	8vo. 8vo.	Agricultural Report..... Smithsonian Report.....	{ 37 31	{ 168 67	{ 131 36
	473	528,306	4to.	Report of the Postmaster-General..... Currency Laws..... Revised Statutes..... Constitutions..... Estimates..... Agricultural Report..... Currency Laws..... Report of the Postmaster-General..... Report of the Public Printer.....	108 30	460 42	352 12

Average per hour: 4to, 1,073 signatures; 8vo, 1,129 signatures.

MISS FLORENCE HOFFMAN.

October.....	142	{ 21,712 130,462	4to. 8vo.	Revised Statutes..... Agricultural Report.....	{ \$32 92	{ \$121 61	{ \$88 69
November...	76	{ 6,080 67,270	8vo. 8vo.	Smithsonian Report..... Agricultural Report.....	{ 17 38	{ 70 26	{ 52 88
December....	158	{ 16,700 1,800	8vo. 8vo.	Smithsonian Report..... Currency Laws.....	{ 36 18	{ 151 30	{ 115 12
	376	445,328	4to.	Revised Statutes..... Constitutions..... Agricultural Report..... Report of the Postmaster-General..... Currency Laws..... Constitutions.....	86 48	343 17	256 69

Average per hour: 4to, 1,013 signatures; 8vo, 1,205 signatures.

MISS LILLIE SULLIVAN.

October.....	142	{ 51,200 73,984	8vo. 8vo.	Agricultural Report..... Smithsonian Report.....	{ \$32 53	{ \$90 21	{ \$57 68
November...	166	{ 157,546 15,776	8vo. 8vo.	Agricultural Report..... Smithsonian Report.....	{ 38 02	{ 153 21	{ 115 19
December....	161	{ 22,425 83,916	4to. 8vo.	Constitutions..... Agricultural Report.....	{ 36 87	{ 182 47	{ 145 60
	469	503,884	4to.	Report of Public Printer..... Revised Statutes..... Constitutions..... Estimates.....	107 42	425 89	318 47

Average per hour: 4to, 1,031 signatures; 8vo, 1,088.

EXHIBIT C—Continued.

MRS. V. CAMMICK.

Month.	Hours.	Signature.	Size.	Title of book.	Cost of labor.	Same, by hand.	Saving.
November....	160	{ 116, 032 4, 146 9, 720	Svo. Svo. Svo.	Agricultural Report..... Smithsonian Report..... Currency Laws.....	{ \$36 66	{ \$97 93	{ \$61 27
December....	184	{ 180, 152 25, 569 8, 154	Svo. Svo. Svo.	Agricultural Report..... Report of the Postmaster-General..... Currency Laws.....	{ 42 13	{ 160 29	{ 118 16
	344	343, 773			78 79	258 22	179 43

Average per hour: 8vo, 999 signatures.

MRS. D. A. MORTIMER.

October.....	142	{ 99, 974 3, 712	Svo. Svo.	Agricultural Report..... Smithsonian Report.....	{ \$32 53	{ \$78 87	{ \$46 34
November....	164	{ 155, 087 43, 120 11, 664	Svo. Svo. Svo.	Agricultural Report..... Smithsonian Report..... Currency Laws.....	{ 37 57	{ 134 36	{ 96 79
December....	135	{ 100, 746 9, 720 19, 845 22, 610	Svo. Svo. Svo. Svo.	Agricultural Report..... Currency Laws..... Report of the Postmaster-General..... Journal of the House.....	{ 30 90	{ 101 58	{ 70 68
	441	406, 478			101 00	314 81	213 81

Average per hour: 8vo, 922 signatures.

MRS. G. JENKINS.

October.....	134	{ 83, 435 4, 288	Svo. Svo.	Agricultural Report..... Smithsonian Report.....	{ \$30 71	{ \$121 06	{ \$90 35
November....	123	{ 105, 339 13, 120 6, 750	Svo. Svo. Svo.	Agricultural Report..... Smithsonian Report..... Currency Laws.....	{ 28 17	{ 93 37	{ 65 20
December....	107	{ 86, 765 9, 720 11, 178 1, 785	Svo. Svo. Svo. Svo.	Agricultural Report..... Currency Laws..... Report of the Postmaster-General..... Journal of the House.....	{ 24 47	{ 70 03	{ 45 56
	364	322, 380			83 35	284 46	201 11

Average per hour: 8vo, 886 signatures.

MISS M. ALLEN.

December....	116	{ 1, 782 73, 371	Svo. Svo.	Report of the Postmaster-General..... Agricultural Report.....	{ \$26 58	{ \$57 24	{ \$30 66
	116	75, 153					

Average per hour: 8vo, 648 signatures.

MISS M. ATWELL.

December....	16	4, 166	Svo.	Report of the Postmaster-General.....	\$3 66	\$2 66	
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Summary report of work on wire book-sewing machines, October 10, 1878, to January 1, 1879.

Operator.	Hours.	Signatures.	Labor.	By hand.	Saving.	Average 4to per hour.	Average 8vo per hour.
McGregor.....	310	374, 230	\$71 02	\$434 48	\$363 46	1, 134	1, 280
Ryan.....	489	592, 617	112 02	688 29	576 27	1, 126	1, 280
Keleher.....	359	412, 998	82 25	535 82	453 57	1, 128	1, 179
Winstead.....	492	567, 713	112 36	682 59	570 23	1, 170	1, 115
Hendley.....	473	528, 338	108 30	460 42	352 12	1, 073	1, 129
Hoffman.....	376	445, 328	86 48	343 17	256 69	1, 013	1, 205
Sullivan.....	469	503, 854	107 42	425 89	318 47	1, 031	1, 088
Cammick.....	344	343, 773	78 79	258 22	179 43		999
Mortimer.....	441	406, 478	101 00	314 81	213 81		922
Jenkins.....	364	322, 380	83 35	284 46	201 11		886
Allen.....	116	75, 153	26 58	57 24	30 66		648
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Volumes: 4to, 14,954; 8vo, 97,439; total volumes, 112,393. Average cost per 1,000 signatures on machine, cents, 21.25; cost per 1,000 signatures by hand, cents, 96.85.

Mississippi River Improvement Commission.

SPEECH OF HON. R. L. GIBSON,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 5, 1879.

The House having under consideration the bill (H. R. No. 4318) to provide for the organization of the Mississippi River improvement commission, and for the correction, permanent location, and deepening of the channel and the improvement of the navigation of said Mississippi River, and the protection of its alluvial lands—

Mr. GIBSON said:

Mr. SPEAKER: I shall not attempt, at this stage of the discussion to do more than to state as briefly and as clearly as I can some of the reasons which should commend the bill reported from the committee

on the improvement of the Mississippi River to the favorable consideration of this House, and to utter an emphatic protest against the amendment offered by the gentleman from Illinois, [Mr. SPARKS,] the effect of which would be fatal to every interest concerned. This measure constitutes a board of able military and civil engineers to make and complete a critical survey, not only hydrographical and hydrometrical, but topographical, of the river and its banks, and to take into consideration and test in the light of facts and science all theories that may be presented to them; and finally to report what, in their judgment, is the best plan for its improvement. Only partial surveys have hitherto been made, and every engineer engaged in the work has urged that such a commission should be appointed.

No river in the world presents phenomena so peculiar and extraordinary. It is not simply a great stream flowing to the sea, but it possesses ceaseless activity, is the architect of the continent, forever carrying on its work of destruction and reconstruction. The

ablest investigators hold that it is three former rivers now united in one, that once forming a series of great lakes from the Ohio to the mouth of the Wisconsin, it cut through the chain of the Ozark Mountains and forced its passage to the Gulf of Mexico. At first a clear and limpid stream passing over mountain barriers and roaring cataracts, but finally having worn away the rocky strata which formed its bed, opened out into an inland sea, bringing down the body of the hills and mountains to build that vast region which surpasses in extent, in fertility, and productiveness any other portion of our country, or indeed of the habitable globe, not excepting the valley of the Nile. Unlike other rivers it forms its own bed, it makes its own channel, it determines its own course, so that the country through which it flows is inseparably connected with the regimen of the river itself, and any plan for the improvement of its navigation would be faulty and imperfect unless it also embraced the treatment of its banks and the alluvial through which it passes.

But while the phenomena appear discordant and irreconcilable we know from analogy that they are controlled by and are obedient to fixed laws. This commission is established for the purpose of ascertaining these laws. When once fully understood we shall become masters of the forces to which all these phenomena are subordinate, and with this knowledge we shall be able to adopt a plan so comprehensive and satisfactory as to command universal support.

There are two distinct phenomena. At certain seasons of the year the water subsides, the channel is blocked up by snags and sand-bars, and for a great distance there is only four and a half to eight feet depth. This condition continues not for a few days or a few weeks but for several months during every year, interrupting trade and commerce and making its navigation difficult and perilous; the largest and costliest boats in which great sums are invested and that give employment to thousands of people, are compelled to be idle; the navigation of the river is almost as effectually closed as if artificial dams were built across its bed. The recent able report of Lieutenant Suter shows how serious and numerous these obstacles are.

Then, again, at other seasons the opposite condition prevails. On December 22, 1822, General S. Bernard and J. G. Totten submitted a report, after an examination of the river, to Major-General Macomb, in which they so accurately describe it in high water that I will quote from them:

When the floods of the Mississippi have obtained their greatest elevation the whole valley through which it runs is submerged and presents a breadth of water in some places fifty or sixty miles. * * * While the waters of this river are over its banks, the operation of the current being in proportion to its elevation and consequent increase of velocity, the changes which are produced in the bed of the river are great, sudden, and numerous. Then are produced those multiplied turns and elbows which so strikingly characterize this great river, and which increase its channel to the double of what it would have been if the banks could have resisted its current. The corresponding concave parts of these turns are sometimes separated only by a very narrow neck, which being cut through by the waters, as often happens, present a new and navigable channel of perhaps a half mile in length in lieu of the old one of fifteen or twenty miles. The abandoned channel is entirely divided from the river except in floods, and on the west side, especially, becomes a lake.

This view has been confirmed by all subsequent observation and reports. A flood of this river through its alluvial region must not be confounded with its overflow in the highlands, or with a freshet in an upland stream. In both cases it is true property upon the banks is destroyed, crops, live stock, farming utensils, houses, the thrift and earnings of life's struggles, are swept away and the frugal and hard-working people are left in a pitiable and desolate condition; but when the Father of Waters swells into an inland sea fifty or sixty miles wide, covering the whole alluvial region, the bed itself is often changed and its channel and course altered. And in storms or at night there are no sheltering piers, no buoys, no light-houses for the shipping; they cannot be applied to these conditions so as to afford shelter or protection. Great boats propelled by steam are sometimes destroyed and often detained several days by the extraordinary obstacles they encounter; and smaller boats, barges and flat-boats, propelled by the current of the river itself, are absolutely at its mercy and are borne sometimes into the forests of the adjacent country and lost or whelmed and destroyed in the furious eddies and surging counter-currents. Navigation in such seasons is perilous, the cost of transportation is thereby increased, and insurance is doubled. It is with these two distinct and different phenomena of the Mississippi River that we are called upon to deal.

First, what can be done to remove the snags and bars that fill its channel in seasons of low water and to secure the necessary depth for the carrying trade of this great outlet.

Secondly, what can be done to improve the navigation in the high stages of the river; to render the channel permanent, and to afford shelter and security to the shipping, and to facilitate trade and commerce. These are plain, practical propositions.

An opinion prevails that when you come to apply the constitutional power to regulate commerce to rivers, all you can do is to deepen their channels or to overcome obstacles by building canals around them. Thus Congress appropriated four and one-half millions to build a canal around the Des Moines Rapids—a sum sufficient nearly for the improvement of the Lower Mississippi. But it will not do to regard the Mississippi as an ordinary river; it is in fact an inland sea, and its relations to the Constitution are analogous to those of the lakes and the sea-coast. The first act passed by the Federal Government under the power to regulate commerce was not to deepen or widen

channels—there was plenty of water on the Atlantic sea-board—but it was for the establishment and support of light-houses, beacons, buoys, and public piers, to guide in safety the mariner on his voyage against the dangers of capes, reefs, and shoals, and to point out the best and safest channel; in fact, to indicate the channel. Our coasts have been studded with such aids to navigation and commerce; we have constructed public piers, including harbors for protection where vessels might take shelter in storms. In all these instances it was not to secure deep water, but, in the language of the acts themselves, it was to render navigation "easy and safe."

It is true that when the Constitution was made its framers had in contemplation the Atlantic coast only. A very small portion of our population had passed into the valley of the Mississippi, and none had reached the lakes. There was not a State wholly within the valley; the greater part of it, including the whole of its right bank and all on both banks below the thirty-first parallel, belonged to Spain; who claimed the exclusive right to navigate the river to the south of it, and a right in common with us to the residue. Steam had not then been applied to navigation, but the principles laid down in the Constitution are not confined to particular cases but are broad, general, and comprehensive. It cannot be held now that we have the power to expend millions upon millions for the benefit of the trade and the commerce on our ocean fronts, lakes, and rivers in the uplands, but have not the power to do anything for the benefit of the people living upon the borders of the Mississippi River because its conditions are different and peculiar.

The tonnage built last year on the Mississippi River and its tributaries was 460 vessels, 68,928 tons; on the lakes 101 vessels, 11,438 tons; and on the Atlantic and Pacific seaboard 637 vessels, 155,138 tons.

The carrying trade upon this great internal artery and its tributaries exceeds our whole foreign trade, and is rapidly increasing, so that within a few years it shall surpass all other avenues of commerce in the country put together. It was acquired by treaty and paid for out of the common treasure of the people of the whole country; it was dedicated, not only by the terms of the treaty but by the conditions of the bills for the admission of the riparian States, to the untaxed and free enjoyment of the people of the country, so that in every sense the Mississippi River is a national highway. The States bordering upon it can exercise no jurisdiction over it. Chief-Justice Taney says, in *The propeller Genesee Chief et al. vs. Fitzhugh et al.*:

In regard to the power to regulate commerce "the admiralty and maritime jurisdiction granted to the Federal Government by the Constitution of the United States is not limited to tide-waters, but extends to all public navigable lakes or rivers where commerce is carried on between different States or with a foreign nation. There were no navigable waters upon which commerce was carried on except tide-water until the valley of the Mississippi was settled and cultivated and steam-boats invented."

As to the limitation of maritime jurisdiction by the tide-water in England he says:

This definition in England was a sound and reasonable one, because there was no navigable stream in the country beyond the ebb and flow of the tide.

Whether we consider, therefore, the magnitude of the interest involved, or the political aspects of the question, or the decision of the Supreme Court, it is clear that the power to regulate commerce applies with as full force to the Mississippi River, and to the construction of the proper appliances to give it a permanent channel and deep water, and to afford protection and shelter, "to secure ease and safety," in the language of the old acts, and facilities to its trade and commerce, as to the lakes and seaboard. And if it can be shown that levees and dikes and jetties are as essential to accomplish these beneficent purposes as water-gaps and sheltering-piers, why should not the Federal Government undertake their construction?

We have listened in the course of this debate to able and strenuous advocates of the outlet theory. The honorable member from Texas [Mr. REAGAN] insists that it should be examined; the veteran member from Massachusetts, [Mr. BANKS,] who has spoken with a patriotism as broad as his country, also insists that this view should be thoroughly considered. I cordially concur in this opinion. Let the friends of this plan be heard, as I have no doubt they will be with great respect, by the commission. Others advocate the plan of making immense reservoirs in the mountainous regions in which the waters shall be confined so as to prevent an excess or a scarcity in the river. This was the favorite plan of the Emperor Napoleon for the treatment of the river Rhone. Others again insist that the best plan is to confine the water to a narrow channel where it is unduly extended and shallow by jetties, where they can be applied, or by levees where they cannot be applied. A jetty is a levee in the popular sense of the word within the bed or channel of the river, while a levee is a jetty on the bank of the stream. This plan rests upon the theory that in sedimentary rivers, in the Mississippi particularly, as the water is confined the velocity and depth is increased and the surface lowered, and that thus two great objects may be accomplished by one and the same method, namely, "ease and safety" to navigation and protection to the industrious people on its banks from the dreaded floods. The amendment of the gentleman from Illinois [Mr. SPARKS] would exclude from the consideration of the commission this theory. It appears to me that if we are to have a commission at all it should be left free and uninstructed; it should be permitted to take into consideration all plans, all theories, and to report to us the one that they

may agree upon as the best to accomplish the purpose we have in view.

I have already stated that the conditions of the Mississippi River are novel and difficult, and that no complete survey has ever been made to the satisfaction of the engineers who have been engaged in the examination of that river. Let us, therefore, not hamper the commission about to be appointed by any instructions or views of our own, but afford them every facility in the great work of ascertaining the laws which control the river. We have before us the report of a board of engineers appointed to examine the jetties at one of the passes of the Mississippi River, dated January 20, 1879. This report furnishes ample food for reflection; it declares that the plan of Eads has passed from the field of experiment to a practical success. Upon what is this plan based? It simply runs out two parallel levees or jetties, like sheltering piers, from the mouth of South Pass over the bar into the Gulf, thus compelling the water into a narrower channel, and the result has been that the increased velocity of the current has scoured away the bar and given to the Mississippi Valley an open and unimpeded mouth to the sea.

In the month of January last a convention of the leading men connected with agriculture, commerce, and manufactures in the Mississippi Valley, assembled in New Orleans and passed a formal resolution declaring that the experiment which had secured deep water at the mouth of the river had more than repaid the cost of it within a single year by the benefits it had conferred upon the vast interests they represented, notwithstanding the deplorable calamity of the epidemic.

Now, what I desire to call attention to is the fact that the principle upon which the jetties are constructed is precisely the principle upon which the levee system rests. I hold that we cannot resist the momentum of the great river at its flood height or alter its regimen, but that by directing the forces which control it we may compel it to do the work essential to the improvement of its navigation and to the protection of the people dwelling upon its banks; that these forces may be utilized, not by dispersion, but by concentrating them by levees, in special directions and to effect particular purposes. Wherever the river is narrow all the engineers are agreed that there is deep water and no caving of the banks, and wherever the river is divided by islands or its channel is unduly wide, there you will find sand-bars and shallow water, and whenever a crevasse occurs or an outlet is made the current is checked, the channel is filled with sediment, and the surface of the river elevated.

In the earliest report ever made, that of Generals Bernard and Totten, on December 22, 1822, they declare—

The only means which appear practicable to us, is the construction of dikes—they operate by diminishing the current above them, thus economizing the expanse of water, at the same time constraining the current to rush with greater velocity through the narrow spaces to be deepened.

George W. R. Bayley, a distinguished engineer, long a resident of Louisiana and a close and accurate observer, says:

The tendency of the levee system is to reduce instead of to elevate the river flood-line. A perfected levee system would tend to lessen the danger of inundations; the river channel would be accommodated to its necessities, and the danger or liability reduced to its minimum.

The action of water in slowly wearing channels thousands of feet deep through even the hardest primitive and volcanic rocks—as, for instance, through the immense canons of Colorado—is too well known to be questioned. It is also so well known as to make denial useless that the action of the powerful Mississippi current upon the hard blue clay (whether alluvial or tertiary is not essential) which forms its bed, though comparatively slow as respects its action upon other strata, is sufficiently rapid to allow for and keep pace with the increase required for the gradual extensions of the levee system and the closure of the outlets.

All experience and observation show that where the Mississippi River current is checked from any cause and at any stage, but more especially when the river is falling, then a portion of the earthy matter held in suspension is dropped, and the more heavily charged the water is the greater the deposit.

The same laws govern in all sedimentary rivers, whether small or great. The first effect of an outlet is to lower the flood-line of a river, because time is required for readjustment of the river's regimen; but the ultimate effect will be the reverse, because the law is that the less the quantity of water flowing the greater is the slope required for its discharge at a given velocity.

It is certain that all sedimentary rivers adapt themselves to every change in their regimen. The Mississippi is no exception, notwithstanding that its vast magnitude makes even slight changes in it, as work of time. Its floods can be controlled by means of a levee system, but only the National Government is able to perfect and maintain such.

Outlets are worse than useless. * * * Reservoirs are impracticable. As to diversion of tributaries, it would be useless, if practicable. Levees can most certainly be relied upon, and the object of this paper has been to demonstrate that levees alone are needed; that the only way to reduce the flood-line is to perfect the levee system.

In this opinion Professor Charles G. Forshey concurs, whose scientific ability and attainments are unsurpassed and whose practical knowledge of the river is unequalled. And there cannot be found a captain of a steamboat acquainted with the river by constant observation through a long series of years, or a resident upon its banks, who does not entertain this view. He says:

We conclude, what we should have inferred from hydrology, that the effect of confining the waters in the channel is not to raise, but to depress the level.

General J. G. Barnard, in a paper published in July, 1850, says:

It is pretty well established that certain relations exist between the configura-

tion of the bed of a stream and the velocity of its current. This relation is the more discernable and capable of being subjected to calculation in rivers whose beds have been formed of materials brought down by their own currents; in other words, which have made and shaped their beds. If, from any cause, such as throwing off a portion of the water through a water-weir, the velocity of the current is diminished, it is no longer able to maintain its sediment in suspension, but will continue to deposit it in its channel until, through the elevation of its bed, its velocity again becomes what it was before it was disturbed, sufficient to maintain its sediment in permanent suspension. Now, it is a well-established principle in hydro-dynamics that the less the volume of water the greater the surface-slope required in order to maintain a given velocity.

Guglielmini laid down the same doctrine, when he declared that—
The greater the quantity of water that a river carries, the less will be its fall—that the greater the force of the stream, the less will be the slope of its bed.

These principles were observed and illustrated in the treatment of the Po, the Danube, and the Rhine. The traveler is filled with admiration at the results accomplished in the lovely valley of the Rhine. Where a few years ago was shallow water and vast tracts of country uncultivated and liable to overflow, you will now find excellent navigation and broad fields covered with vineyards, and the homes of a prosperous population. But in no country has the science of engineering won such complete mastery over the flow of waters as in Holland, or wrested both from rivers and the ocean, such areas of fertile land and secured, such admirable highways.

I am sure that the gentleman from Illinois, [Mr. SPARKS,] if it be shown to his satisfaction that levees and jetties are to the trade and commerce on this great river what light-houses, water-gaps, and sheltering-piers are on the lakes and ocean fronts, will not hesitate to vote an appropriation for their construction. A recent report of the leading engineers of the Army declares in effect that the improvement of the navigation of the river and protection of the country by levees are interdependent. I beg leave to call the attention of the House to a brief extract from this report:

The great obstacle to the improvement of the low-water navigation and to maintaining a levee system is one and the same for both, namely, the instability of the river from the caving of its banks. When this can be overcome by means not inordinately expensive (on which point we have treated more fully in our preliminary report on the subject of low-water navigation of the river) we may expect a deepened channel, a lowered high-water surface, and a stable river, the margins of which shall be securely cultivated, to the enormous development of the wealth and population of the region. We believe, therefore, that the levee system, if undertaken, should be matured and developed in connection with the navigation improvement.

I will not, Mr. Speaker, tax the forbearance of the House any longer. I shall ask to append to these remarks the report of the engineers from which I have quoted, and my own letter upon this subject, as well as some views of Mr. Eads and of General Beauregard. No authorities could be introduced to this House with stronger titles to your confidence than General Beauregard or Captain Eads, or those from whom I have quoted, all of whom unite to scientific attainments of the highest order much practical experience.

It is said, Mr. Speaker, by Reclus, in his work on the Earth, that the Amazon is the glory of the planet. I admit that this is true when we contemplate alone the majestic flow of its waters; but no man can dispute the supremacy of the Mississippi as a river of commerce. And there is but one Mississippi Valley on the globe. It is soon to be not only the main seat of our agriculture, but of our political empire. You may deny to the people of that valley to-day their just claims for the improvement of their great highway. You can but defer this beneficent work, for in the course of a few years the representatives of the Valley will not be here to petition but to control the legislation of the country.

Why should you not improve the Mississippi? It belongs to no State; it cannot be monopolized; it is beyond the reach of corporations; it is the Nation's free highway; it is the natural outlet of a mighty valley fifteen hundred miles wide and two thousand miles long, the richest and largest in the world, penetrated by fifty thousand miles of boatable streams; it affords the cheapest navigation known, furnishing itself propelling power; a single steam-tug with barges will bring down more wheat than can be moved on fifteen hundred freight cars, and at half the cost. If the adjacent States could tax the tonnage upon its waters only as large as New York taxes the traffic on the Erie canal, the tax would yield ten times the sum every year required for its permanent improvement. It is the common property of all the people and their security against the railway corporations which absorb their profits and consume their substance.

We gather in population from all parts of the earth the restless, active, and vigorous, bringing their peculiar theories of religion, government, property, and social science, elements often of disorder and anarchy, menacing the stability and peace of society; but the stream of American life and civilization flows on, sometimes turbid, sometimes lashed into fury, exciting apprehension and alarm, but fenced in by the invincible barriers of the Constitution and laws—bears along, for the benefit of the present and of coming generations, these priceless institutions that combine freedom and order, liberty and law.

So the Father of Waters, gathering force and volume from countless tribute streams, now sweeps away, with its uncontrolled floods, the toil of generations, and baffles man's enterprise, hopes, and destiny; but, once made obedient to the genius of American engineering, it shall bear upon its bosom, in security and safety, the wealth and fortunes of the mightiest empire on the earth, and distribute benefits and blessings only to the teeming millions upon its shores and to every part of the habitable globe.

IMPROVEMENT OF THE NAVIGATION OF THE LOWER MISSISSIPPI RIVER.

Letter from the Secretary of War, transmitting report of the board of engineers upon the improvement of the low-water navigation of the Mississippi River below Cairo, Illinois.

WAR DEPARTMENT,
Washington City, January 27, 1879.

The SPEAKER of the House of Representatives:

The Secretary of War has the honor to transmit to the House of Representatives, for the information of the Committee on Commerce, a letter from the Chief of Engineers dated the 27th instant, and copy of report of the board of engineers on the improvement of the low-water navigation of the Mississippi River below Cairo, Illinois.

GEO. W. McCRARY,
Secretary of War.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., January 27, 1879.

SIR: I have the honor to submit the inclosed copy of the report of the board of engineers on the improvement of the low-water navigation of the Mississippi River below Cairo, Illinois, upon the "effect of a permanent levee system throughout the length of the river below the mouth of the Ohio, not only upon its low-water navigation, but also of the benefits it would confer in affording protection and giving needed facilities to shipping, commerce, and navigation in the high stages of the river," and beg leave to invite attention thereto.

I concur in the views and conclusions of the board, and, in view of the importance of the subject, respectfully suggest that the report be sent to the Speaker of the House of Representatives for the information of the Committee on Commerce. Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier-General and Chief of Engineers.

Hon. GEORGE W. McCRARY,
Secretary of War.

Effect of a permanent levee system on the Mississippi below the mouth of the Ohio River.

ARMY BUILDING, New York, January 25, 1879.

GENERAL: In reply to your letter of November 13, 1878, which invites "the attention of the board of engineers for the improvement of the low-water navigation of the Mississippi River to the consideration of the effect of a permanent levee system throughout the length of the river below the mouth of the Ohio, not only upon its low-water navigation, but also of the benefits it would confer in affording protection and giving needed facilities to shipping, commerce, and navigation in the high stages of the river," the board have the honor to report their views as follows:

The letter presents the matter of the effects of a levee system in two aspects—
1. Its effects on low-water navigation.
2. The benefits it would confer in affording protection and giving needed facilities to shipping, commerce, and navigation in the high stages of the river.

In both these points of view it is referred to by Hon. R. L. Gibson, M. C. from Louisiana, in his published letter to the president of the board, a copy of which is appended, (marked A.) but while asserting strongly the benefits to be conferred by a complete levee system on low-water navigation, he is especially strenuous and elaborate in his expressions concerning the benefits to be realized at high-water stages, for which stages, indeed, the levees, as hitherto designed, have exclusive reference. But this exclusive reference has been to protection of the lands from overflow. As "affording protection and giving needed facilities to shipping, commerce, and navigation," the levees have not been hitherto constructed, demanded, or projected.

To deal with the question whether there is any connection between levees and "facilities for shipping, commerce, and navigation" at high stages we refer to the actual condition of things. We find that throughout all the extension of the Mississippi along which the levee system is practically efficient, and where the marginal lands are generally cleared and cultivated, the levees have been an important aid to commerce. Below the mouth of the Arkansas and as far down as the forts below New Orleans the levees have been long enough in existence to give evidence of their effects, direct and indirect. Immediately behind them are the cultivated lands, the plantations, whence come sugar, cotton, and other valuable staples. To each one of these plantations not only is the levee the protecting agent which renders their cultivation practicable, but it is during floods the landing place of the steamers, barges, or flat-boats which bring their supplies and carry their productions away.

The levees thus become aids to commerce with the cultivated regions directly along the margin of the river; moreover, they allow the maintenance, which would otherwise to some extent be impracticable, of the numerous common roads leading back to, and bringing in the productions of, regions considerably removed. Railroads, of which there are several, which, to cross the Mississippi or to reach its marginal cities, pass through the extensive swamp regions bordering the river, can only secure an unimpeded traffic during floods by raising their tracks above the level of the great floods, or by the protection of levees.

Our information does not justify us in maintaining that levees would have so important an influence as claimed in promoting flat-boat navigation, though, doubtless, were the channel of the river regulated to a nearly uniform width, high-water outlets closed, and bank-overflow prevented, flat-boat as well as all other kinds of navigation (flat-boat more particularly) would be rendered easier, more rapid, and safer, but such a channel regulation involves, as will be shown, something more than levees. Flat-boat navigation was formerly more important than now, and when levees above the mouth of the Arkansas were not in existence.

This kind of navigation has yielded to the superior facilities offered by the barge system and by the introduction of large freight-carrying steamers. Most of the flat-boats now seen on the river come out of the Ohio and its tributaries, and are most numerous about the time of the fall rise, a rise which never amounts to a "flood"; hence, at a stage in which the natural banks bound and furnish visible margins to the navigation channel.

In the lower river, through the regions where the margins are under cultivation, the levees are generally laid close to these margins, and afford, as has already been stated, useful facilities to commerce in making practicable the coming alongside of steamers and the receiving the products of the plantations and discharging freights for the use of the same, or for the back country. In ordinary rises the natural banks are not overflowed, but when that happens in "flood" years they serve a purpose in still defining the channel.

Above Vicksburg the caving of the banks and the general instability of the river are greater. To escape the inroads of bank-caving, and sometimes to cut off very elongated bends, the levees are often at considerable distance from the banks. In such cases they may not be seen at all from the river, or, if visible, would serve no useful purpose in defining the channel. They have not yet, indeed, throughout the upper portions of this section, been long enough and permanently enough maintained in existence to inspire confidence and give rise to a systematic cultivation of the marginal lands.

To sum up: the levees, where they have been permanently established, do, to a certain extent, afford protection and give needed facilities to commerce and navigation, and were they permanently established throughout the river, they would

doubtless develop a large additional commerce and afford the kind of facilities just mentioned for its transaction.

2. The effect of levees on low-water navigation.

Levees have no direct action except when the water is high. Nevertheless, a connected levee system begins to act before the stage of actual bank overflow of the Mississippi is reached. The numerous creeks, or bayous, which partially drain the great swamp basins of the Saint Francis, Yazoo, and Tensas furnish inlets through which the water of the river begins to flood the swamps, even when several feet below the elevation of its natural banks. The levee system would therefore come into useful action before the natural banks were overtopped. And this would be the more usual extent of its action, for the "flood" years are on average but one out of four or five.

That the confining of this usually escaping water in one channel, in ordinary as well as in flood years, would, in a general way, tend to deepen the bed, we do not doubt. But where the low-water navigation is bad it is not because there has been a lack of water at high stages. It is because of inordinate width at those places, over which the river sweeps with no well-defined channel, or with channels shifting with different stages of the river and with different years.

From whatever cause this widening has had its origin, the result is the same—a shoal, or "bar," or bad low-water navigation. In most cases this inordinate widening seems obviously due to rapid caving away of the concave banks in the bends; in some cases great width is found between straight banks, suggesting (possibly) in the locality an unusually tough and unyielding bottom material. In general, however, the bottom material of these bars or places of bad low-water navigation is shifting sand or gravel. For more particular description of bar formation, growth, and movement, we refer to Major Suter's report "upon the improvement of the navigation of the Mississippi River between the mouth of the Ohio and New Orleans." (Executive Document 19, part 7, Senate, Forty-third Congress, second session,) made in response to the call of the Senate Select Committee on Transportation Routes. In this report there are enumerated forty-three localities where less than ten feet low-water channel depth may be found, and thirteen where there may at times occur less than five feet. Elsewhere the navigation was good. Hence the improving of the low-water navigation of the Mississippi below Cairo consists mainly in the removal of these bars, or the excavation and the maintaining through them of channels of adequate depth and width. A glance at the sketches of the localities accompanying Major Suter's report, and especially of those of worst low-water navigation, as for instance the Plum Point Bars, is sufficient to show that levees, in the ordinary sense of the word, even if they come into action every high-water stage instead of only every "flood," would have little or no influence on the low-water navigation. They would leave to the river its inordinately great width and area of shifting sands, and exert little or no influence on channel formation. This would be the fact even if they everywhere followed closely the natural banks or margins of the ordinary high-water flow. But, as has already been remarked, the present system of levees, as actually built up to and above the mouth of the Ohio, though now in a very ruinous condition, in its upper portions deviates not infrequently from the immediate banks to cut across bends or avoid the invasion of caving banks. In the more elaborate levee system designed by the commission of 1874, the great levees are laid, for the upper portions of the river, at greater or less distance from the immediate margins; and though an auxiliary system more closely following the banks is contemplated, the latter, like the present levees, must depart from the banks at many localities to avoid early destruction from caving.

On the other hand, closely adhering levees which in all high stages, whether of ordinary rises or "floods," shall confine the water which now escapes into the swamps, would, by an increased current action, accelerate the caving of bank in the bends and enhance the instability of bed which now not only makes the work of navigation improvement so difficult, but is one of the most formidable foes to a permanent levee system. To the caving of banks is also due the snags, which form such serious obstructions to the navigation of the river.

The great obstacle to the improvement of the low-water navigation and to maintaining a levee system is one and the same for both, namely, the instability of the river from the caving of its banks. When this can be overcome by means not inordinately expensive (on which point we have treated more fully in our preliminary report on the subject of low-water navigation of the river) we may expect a deepened channel, a lowered high-water surface, and a stable river, the margins of which shall be securely cultivated, to the enormous development of the wealth and population of the region. We believe, therefore, that the levee system, if undertaken, should be matured and developed in connection with the navigation improvement.

Other and imperative duties of individual members have made impossible an earlier convention of the board for the consideration of this subject.

Respectfully submitted,

J. G. BARNARD,
Colonel of Engineers and *Brig. Maj. Gen.*, U. S. A.
Z. B. TOWER,
Colonel of Engineers and *Brig. Maj. Gen.*, U. S. A.
H. G. WRIGHT,
Lieut. Col. of Engineers and *Brig. Maj. Gen.*, U. S. A.
C. B. COMSTOCK,
Major of Engineers and *Brig. Gen.*, U. S. A.
CHAS. R. SUTER,
Major of Engineers.

Brig. Gen. A. A. HUMPHREYS,
Chief of Engineers U. S. A.

A.

WASHINGTON, November 17, 1878.

SIR: The supplemental instructions of General Humphreys, the Chief of Engineers, issued on the 13th instant to the board of engineers for the improvement of the Mississippi River, invite you "to the consideration of the effect of a permanent levee system throughout the length of the river below the mouth of the Ohio, not only upon its low-water navigation, but also of the benefits it would confer in affording protection and giving needed facilities to shipping, commerce, and navigation in the high stages of the river." The Constitution provides (article I, section 8) that "Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes." That the grant of power over commerce is complete and absolute should not excite surprise when we reflect that it was mainly the object which led to the formation of the Federal Constitution. The first step was taken by Virginia on January 21, 1786, when she submitted to her sister States a formal proposition for the appointment of commissioners by each "to take into consideration the trade of the United States." And within one month after the Federal Government went into operation under the Constitution the First Congress passed "an act for the establishment and support of light-houses, beacons, buoys, and public piers," the object being, as recited in it, "to render navigation easy and safe."

At the outset there was some dispute among public men as to whether this power might be applied to internal improvements generally, but there never has been a doubt as to the unlimited jurisdiction of the Federal Government over commerce, and of its power to legislate for its benefit. For half a century there has been a decided concurrence of the views of the ablest American statesmen on this subject, and the Government has expended large sums with the best possible results.

Mr. Webster says: "Over whatever interests of the country this Government may diffuse its benefits and its blessings, it will always be true as matter of historical fact that it had its origin in the necessities of commerce, and for its immediate object the relief of those necessities by removing their causes and by establishing a uniform and steady system." Mr. Calhoun says: "These provisions furnish conclusive proof that the object of the power was the increased safety and facility of commerce." President Jackson says: "The practice of defraying out of the Treasury the expenses incurred by the establishment and support of light-houses, beacons, buoys, and public piers, within the bays, inlets, and harbors, and ports of the United States, to render the navigation thereof safe and easy, is coeval with the adoption of the Constitution, and has been continued without interruption or dispute."

It may now be regarded as the fixed policy of the Government, sanctioned by our ablest statesmen and made operative upon a large scale at every session of Congress, to protect and aid and facilitate commerce in every possible manner. The methods by which this may be done upon our ocean and lake fronts, and even upon the rivers in the uplands, have caused but little difference of opinion. Estimates and surveys have been made with regularity, and Congress has appropriated fabulous sums for their prompt and complete execution. Fortunately, there has been a happy concurrence between the engineers of the Government and the law-making power. Nearly \$9,000,000, authorized to be expended under the direction of the War Department for the benefit of our commerce, for the improvement of our rivers and harbors, was voted at the last session of the present Congress. It is proposed now to expend nearly \$2,000,000 upon Harlem or East River, lying wholly within the State of New York, in addition to the large amount appropriated for the harbor of that great metropolis. But while the Government is making these large expenditures with unstinted liberality for the commerce and trade on our ocean fronts and lakes and rivers in the uplands, not a dollar, in comparison, has been devoted to giving "ease or safety" or needed facilities to the commerce and trade upon that great inland sea from Cairo to the head of the passes—the highway fed by fifteen thousand miles of navigable streams, and bearing upon its bosom the commodities of eighteen States and twenty millions of people—the natural artery and outlet for the empire alike of the great Northwest. Why is this? It is simply because the Government has failed to appreciate the necessities of this river and of the valley of the Mississippi. The moment the engineers agree as to the usefulness of levees, Congress, I believe, will vote the sums necessary for its improvement.

The question, therefore, submitted for your board to determine, for the time being at least, is whether anything can be done in the direction indicated. You will observe that you are not requested to make any surveys or estimates. Many surveys and estimates for levees have already been made by distinguished engineers. What is needed now is your opinion as to whether levees will not subserve the commerce and trade upon the Mississippi River—are not, in fact, the proper and essential appliances to make its navigation "easy and safe," and will not render "needed facilities for shipping, commerce, and navigation in the high stages of the river." They would unquestionably prevent overflows. It is agreed by all engineers that overflows destroy the channel, or rather change it, so that, when the water subsides, it is difficult to ascertain the outline of the new channel; sand-bars are formed and snags are deposited, so that the liability to accident and the dangers of navigation are greatly increased. An enormous tax is imposed upon the carriers of commodities in the higher rates of insurance, and in the necessities for more powerful machinery and boats, and in their frequent loss. It is estimated that the extra insurance alone amounts to not less than \$10,000,000 annually, a sum sufficient to make all the needed improvements.

The levees confine the water to its channel, and indicate better than light-houses or beacons or buoys precisely where it is. But it must be borne in mind that much of the commerce and trade upon this river might be carried without the expense of steam. Before the destruction of the levees a vast business was done in flats and barges, for the current itself furnishes the propelling power. The people living upon the banks purchased their supplies, from silk dresses and pianos to plows and wagons, their clothing, their groceries, their farming utensils and household goods, from the trading-boats, and fleets of these boats were seen in all the bayous and at every village and city. Of the single article of coal, millions of dollars' worth is shipped from Pittsburgh alone. Now, when the river is thirty or forty or fifty miles wide, an ocean torrent sweeping everything to destruction, what protection is there for this, the very commerce for which that great river should afford facilities, a commerce without any expensive vehicles, between the producer and consumer direct? The great West is seeking the markets of the world for her grain; but, while producing fabulous crops, the profits are so cut down or off by the cost of transportation that the people of that favored section, in the midst of an abounding land, are crying out for relief. Afford proper security by levees to the shipping, and barges and flats would carry their products half way to the European markets without loss, and at one-half the cost now exacted. In a very few years one hundred million bushels of Western wheat will seek this route to the sea. It may be transported now at eight or nine cents per bushel, but with proper facilities the cost might be reduced to three or four cents, a saving of itself sufficient to bring comfort and wealth to the producers. The proposition I desire to submit is this: Levees establish the proper instruments to protect commerce and trade on the Mississippi River; they are continuous harbors or sheltering piers; they are adapted to give the protection and facilities needed; they are the very "counters" along which the producers of the West and the people on the banks of the river make their exchanges. We do not ask for millions of dollars for the harbors at Memphis, Vicksburg, Natchez, Baton Rouge, and New Orleans; such expenditure is not needed as upon the lakes and sea-coast. We do not ask for an appropriation of millions to dredge out or blast out the channel, or to build dams or canals around rapids, as in the uplands. The Lower Mississippi requires different treatment. But that is no reason why it should receive none at all. The cost of these works, in proportion to the commerce and trade to be benefited, is insignificant. A tax of less than 1 per cent. upon the tonnage on the river would complete them in a short time. The river itself furnishes the propelling power to every keel launched upon it. Not a single man-of-war, not a sailor or soldier, is required to protect the flag, as upon the ocean, from its headwaters to its mouth. The vast trade and commerce of the Mississippi Valley would be our reliance in war as it is in peace, beyond the reach of any enemy, and taxing the people of the country not a dollar for a navy to protect it.

It has been suggested that the States should agree among themselves, and devise a uniform and general system for the improvement of the river. It is evident that there should be uniformity, for if the levees were erected along the entire front of Louisiana, and Arkansas should not co-operate, they would be swept away in a single season of high water. Yet there can be no agreement among the States, for the Constitution declares, "No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State." Anything short of a uniform and general system would be incomplete and useless. It is clear that unless the General Government undertakes the work it cannot be accomplished. It is for the board of engineers to decide the question. The Federal Government has full jurisdiction over the river; it was acquired by treaty, and it is owned by the Government. The fact that the levees would confine the water to its channel and thus prevent the overflow of its banks and the destruction and depopulation of the delta, strange as it may seem, is urged rather as a reason why the Federal Government should do nothing for the protection of the commerce and trade on the river. It is true that the levees would afford security to the people of the valley

against the invasions of the river, and that an area of territory greater in extent than some of the States of this Union, surpassing any portion of our country in fertility and in the capacity to produce the great staples of corn, cotton, sugar, and rice, would be brought into cultivation and afford occupations and homes to millions of inhabitants.

General Abbot, United States Engineers, says: "The total area of the bottom lands is about thirty-two thousand square miles, of which a mere narrow strip along the main stream and its principal tributaries and bayous has been heretofore open to cultivation. Protected against the river and properly drained, this would render available at least two million five hundred thousand acres of sugar land, or more than double the amount heretofore planted; about seven million acres of the best cotton land in the world, capable of yielding a bale to the acre; and not less than one million acres of corn land of unsurpassed and inexhaustible fertility. The magnitude of the interests involved may be held to concern the whole country, and if the 'general welfare clause' of the Constitution can be invoked at all, surely it would apply here. Yet it cannot be that these considerations can have weight against the proper claims of trade and shipping and navigation. On the contrary, it may be urged with justice that the Federal Government, claiming and exercising control over the river as a great national highway, should regulate it so as not to injure the people living upon its banks—a people powerless, individually or as States, to exercise any jurisdiction over the river. All jurisdiction is forbidden to the States. The very means which the adjacent States might employ in order to establish a uniform and complete system of levees are denied to them by the Federal Constitution. They can neither co-operate nor exercise their power over the subject when co-operation and joint jurisdiction are absolutely indispensable. The river is the property of the National Government, held for the benefit of the whole country. The ownership is unquestioned, complete, and absolute. The doctrine that the owners of property should so use it as not to injure that of others is of universal application. *Sic utere tuo ut non alienum laedas* is a legal maxim familiar to all jurists and publicists, and held to be binding upon governments as well as individuals. It is clearly within the constitutional power and duty of the Government, as well as promotive of the interest of the people of the whole country, that these vast regions should be protected from the devastations of the river by a uniform system of levees. We have bought vast tracts of country and conquered others in expensive wars. Why may we not bring the delta of the Mississippi within occupancy and settlement? It is true that a system of levees would not only give security against inundations that are destructive alike to the channel and navigation and trade upon the river and to the industrious people cultivating the soil in the valley, but that it would form the most effective barrier against disease—epidemics equally fatal to the health of the country. But these views are foreign to the purpose of this communication. I desire now to speak altogether in the interest of commerce and trade, the navigation and shipping upon the river, and the means for benefiting and improving them.

I have forbore to weary you with any statements of facts showing the vast interests involved. You are familiar with the resources of the mighty valley. Nor have I ventured to urge upon you any theory for the treatment of the river. I beg, however, in conclusion, to invite your attention to the following extract from a report made by those distinguished statesmen, James Gadsden and James Guthrie, after a full investigation of the whole subject in 1845, and submitted to Congress, with his approval, by John C. Calhoun: "Intimately connected with this subject is the improvement of the navigation of the Mississippi. The science of the engineer has been bewildered on the subject of the improvement of rivers. Those free from rock, and which, like the Mississippi, course through alluvial formations, inundating its banks, depositing and making the very soil through which they cut, are uncontrollable and most difficult of improvement. A great engineer in England, when substituting a canal for a river, is known to have exclaimed in explanation that 'rivers were made to feed canals.' The expenditures on the Mississippi thus far, if reports are to be credited, have produced no results corresponding to the vast sums appropriated. When the channel has been straightened at one point it has been lengthened at another, and obstructions or deposits in one bend have only been transferred in their removal to another. 'Sawyers' and 'planters' have in one season been reduced in number to be replaced by the succeeding one. The only fact clearly established, and it is one to which attention should be particularly directed as bearing with peculiar influence on the proposition submitted, is that where the banks of the Mississippi have been leveed and prevented from inundating the swamps the spring rises are scarcely perceptible, and the surplus waters are discharged by deepening the bed; its current no longer able to rise and expand over a wider surface, they have to deepen the bed to furnish vent for the waters to be discharged. The reclaiming, therefore, the swamps and confining the river to its bed will deepen it, and do more to preserve unimpaired the navigation of the Mississippi than all the projects which have hitherto been devised or acted on for its improvement. The suggestion, however, is worthy of examination, and it is the stronger recommended as it may accomplish a great object at comparatively little cost. The swamps of the Mississippi, now worthless, and made so by the inundations of that river, may be made, by their own reclamation, the instruments of improving the navigation of that stream." I have laid these views before you on account of the urgency of the case, and with the hope that you might be induced to take immediate action and give the country the benefit of your opinions without delay.

R. L. GIBSON,

Member of Congress from Louisiana.

General J. G. BARNARD,
Corps of Engineers, New York City.

IMPROVEMENT OF THE MISSISSIPPI RIVER.

Remarks of Mr. James B. Eads before the House Committee on Commerce, made by special request of Hon. R. L. Gibson.

To estimate the merits of any system which may be suggested for the improvement of the Mississippi it is absolutely necessary to understand the causes of the phenomena presented by the river. Fortunately, the laws which control these are among the simplest and most easily understood of any of which we have knowledge. It is true that the different conditions existing at certain localities and during certain stages of the water so modify or complicate the action of these laws that their direct influence is obscured and sometimes seems doubtful. There is not, however, a single phenomenon presented by the river that is not capable of complete solution through the application of these laws.

The chief of these relates to the power of transportation of sedimentary matter by the stream. It may be stated briefly in the following propositions:

The sediment is carried in suspension in the water in proportion to the velocity of the current, the quantity carried per cubic foot of water by any given velocity being modified, however, by the depth of the stream.

The great mass of sedimentary matter which is transported to the sea by the river, constituting the debris of half a continent, is carried in suspension in the water and is not pushed or rolled along the bottom.

The quantity of sand, &c., suspended in the stream has direct relation to the velocity of the current. The changes of velocity which are continually occurring through the whole length of the river—at one point being retarded and at another accelerated—are consequently the chief cause, through the action of this law, of the caving banks, the shifting sand-bars, and the devastating floods to which its alluvial lands are subjected.

The velocity of current is the result of the inclination of the surface slope of

the water. The angle which this slope forms with the horizon, or the fall per mile, indicates the intensity of the force of gravity applied to overcome the resistance to the flow of the water. The resistance is mainly due to the friction of the water in passing through the bed of the river. The flow is also retarded by the bends and the inequalities in the width and depth of the river-bed. As the resistance is increased at one or another locality, from any or all of these causes, the slope of the surface is increased to meet the demand at that place for more force (or gravity) by which the requisite velocity can be maintained and the stream be enabled to carry forward to the sea without loss its suspended burden of earthy matter.

This alteration of slope is accomplished by the action of this law: for if the necessary velocity be reduced by the resistance a deposition of sediment at once ensues, by which the bed is raised and the slope is thus increased until the normal or requisite velocity is obtained, after which further deposit ceases.

It is a remarkable fact that the average current of the entire river, including the Missouri, (for I am speaking of the main trunk of the great water system of the valley of the Mississippi,) is very uniform in flood-time, from one end of the river to the other, although the inclination of its surface slope is doubled and quadrupled, and indeed is ten times greater in the upper than in the lower part of the river. These surface slopes are unquestionably regulated by the river itself wherever it traverses an alluvial bed throughout its course, and they are so regulated that the velocity is suited to discharge into the Gulf the average quantity of sediment that is annually poured into its trunk. That the amount of this annually discharged must be almost identical with the average quantity annually received from its various tributaries (supposing its banks are leaved and overflow prevented) is evident, for if it discharged a less quantity than it received, the remainder would inevitably reduce the average size of its channel. If it discharged a greater quantity than it received, the excess must be scoured out of the bed, and this would enlarge the average size of its channel. When uncontrolled and permitted to overflow its alluvial banks, the case is somewhat different, because a considerable part of the sediment is then borne over the banks and deposited, in flood-time, on the overflowed lands.

The slope of the river in the last fifty or sixty miles of its course, near the Gulf, is but little more than one inch to the mile, but, preceding up stream, the slope becomes steeper and steeper. It is three or four inches to the mile at Vicksburg and five or six at Cairo, while at Omaha it is nearly twelve inches.

The quantity of water flowing in the river is found to have an inverse ratio to the slope of its surface. In the upper portions of the streams the slopes become steeper as the quantity of water flowing becomes less. This relation between the volume and slope of the river is particularly marked in every one of the multitude of outlets by which the river finds its way into the Gulf. At the head of the passes it is especially noticeable. Here each separate portion of the stream that is carried through the South Pass, the Southwest Pass, and Pass à l'Ouvert at once assumes a steeper slope than the main stream, because the volume of water in each is so much less. As the volumes flowing through these are unequal, each has a different surface slope, which is unquestionably formed by the river itself and which is suited to its needs.

A glance at the map will show that these slopes are all different, because the length of each pass is different from that of its fellow. As they all start from the level of the river at the head of the passes and end in another level common to all of them, namely, the Gulf of Mexico, they must necessarily have different slopes. The South Pass, being twelve miles long, has a fall per mile nearly three times as great as that of the main river immediately above it, while that of Southwest Pass is about twice as great.

These phenomena teach us that inasmuch as the river itself is the architect of its delta, and has formed these different passes and the main stream, so that the current velocity in each is just suited to transport its sedimentary burden to the sea, without material loss or addition thereto, there must of necessity be a direct relation between the velocity of the stream and its transporting power. If this be so, it follows that when the current is charged with its normal load or quantity of sediment, it will have no power to carry more than that quantity unless its current be increased. The converse of the proposition must be equally true, namely, that if we check its current it will be unable to sustain the whole burden with which it is at that time charged.

Now if these simple facts are applied in explanation of the causes which have formed the sand-bars and shoals obstructing the navigation of the river, they will show why they are invariably located where the river is widest, and why they are invariably absent where the channel is narrow. A moment's reflection upon the effect produced by a rise in the river will show why these are formed in the wide parts of its bed. Suppose a wave constituting a rise of ten feet is moving down the river; the effect of the first narrow portion of the river through which it passes will be to accelerate the current. This acceleration gives a greater carrying capacity to the water, and it at once attacks the bottom and banks of the narrow channel for more sediment. Emerging from this narrow part, with high velocity and full charge of sediment, into one of the wider or larger parts of the river, the water is unable to maintain the same velocity or to sustain the load with which it is charged, and the excess of its burden is here dropped in the effort of the river to restore the equilibrium between the velocity and the load. The bottom is thus elevated until a steeper surface slope is produced, and the result is the creation of a natural dam or shoal throughout this expanse. The water relieved of part of its burden then again enters a narrower part of the river, and here scours up an additional load because it has a higher velocity imparted to it. In this way it passes on through the wide and narrow stretches of the river, having its velocity continually changing; and as a result it is continually cutting away the banks in one place to deposit its spoils in another. Now, is it not evident that when the water is charged with its full burden of sediment or that which is due to its velocity it will neither take up an additional load nor drop that which it has so long as its current be maintained without alteration? I have measured the channel depth in every bend of the river from Cairo to New Orleans and do not remember to have found less than twenty feet at low water in any one of them. If the wide places where the shoals exist be reduced in width to that of the bends, there is no reason why a continuous twenty-foot channel in low water would not result throughout the entire distance from Cairo to the Gulf.

By bringing the river channel to an approximately uniform width a uniform depth of channel must result. A channel of uniform width will not be subject to these constant alterations of current velocity, and the caving of the banks must necessarily cease. A uniform width of the river, therefore, implies a uniform depth, and this means at least twenty feet of water at all seasons of the year through eleven hundred miles of navigation to the sea. But a uniform width of channel means more than this; it means the prevention of caving banks and of the loss of valuable farms and improvements thereon. It means far more than this; it implies the reclamation and protection of thirty-seven thousand square miles of the richest alluvial territory on the face of the earth, for a uniformity of channel width also implies a lower flood-line, which is equivalent to lifting this vast and fertile area above the level and beyond the devastation of the annual floods of the river. How can this be accomplished? In speaking of the slopes in the river reference is made only to those which exist in flood-time. The fact that the slope is increased in proportion as the volume is diminished is an evidence that the friction of the bed of the stream bears a direct relation to the velocity of the current, and that if the friction of the bed of the stream be increased it will be necessary to increase its surface slope to give it that velocity which it must have to carry in suspension its burden of sediment.

This is most readily illustrated by taking two pipes, one of which is one foot in diameter and the other four feet. To produce the same velocity in water flowing

through these two pipes, to the smaller one must be given a greater inclination; because the proportion of frictional surface to volume of water is much greater in it than in the larger one. For, although the larger one has four times the frictional surface or circumference in contact with the water, it will contain sixteen times as much water as the smaller one. Now, by comparing the frictional surface which retards the flow of the water through its narrow channel with that which retards its flow over the wide shoals, it will be perceived that the area of frictional surface is much greater on the shoals than in the narrow channels; hence at each shoal the surface slope will be found to be steeper than that in the narrow channels, and as each shoal is removed by contracting its width, the extra steepness of slope is likewise destroyed at these places, and as the surface slope is the flood-line, the height of the flood is lessened just so much by the reduction of each shoal. The aggregate of these reductions would materially lower the flood-line throughout the river above them and in the localities where they are made, and would certainly lower this line several feet from Red River to Cairo.

Again, as the slope of the river is increased in proportion as the volume of water is lessened, it is evident that if the river be divided into two channels by an island, the surface slope in those two channels must be steeper than the surface slope of the adjacent stream where it flows in a single channel. Suppose this extra slope to be three inches to the mile, which is not an unreasonable supposition, and the double channel to be four miles long; it is plain that if one channel be closed the other will be enlarged by the river, and a lowering of the surface slope equal to twelve inches would ultimately result in the flood-line throughout the portion of the river above such island.

The rise of the river at Cairo is nearly fifty-two feet above extreme low water. The correction of the shoals and of the island chutes below Cairo would possibly lower the flood-line at Cairo six or eight feet. If it were lowered ten feet the necessity of levees would not exist at that point. Any further reduction in the flood-line which might be found necessary, after the correction of the river, could be obtained by one or two or possibly three judicious cut-offs somewhere above the mouth of Red River. The effect of each cut-off would be to lower the flood-line throughout the entire alluvial region above it.

This system of river correction is not novel; it has been practiced with signal success through some of the alluvial districts of the Rhine, above Holland, where overflows were not infrequent and where levees had long existed. By a judicious system of cut-offs and the reduction of the river to an approximately uniform width, the adjacent lands have not only been made safe from overflow without the use of levees, but a deepening of the navigable channel of the river of from six to seven feet was also accomplished at the same time.

The treatment of the Mississippi below Red River would be less expensive and would require to be different from that above, owing to the fact that the river receives accessions of water at various points above Red River by which its volume is increased, while below it the reverse occurs. A large portion of the water which should find its way to the ocean through the main trunk of the river escapes at Red River through Bayou Atchafalaya, and below through Bayou la Fourche, Bonnet Carré Crevasse, and several other outlets.

If it be borne in mind that one end of the river-slope or flood-line is unalterably fixed by the Gulf of Mexico, it will be seen that this slope cannot be increased in any part of the river without raising it higher up on the levees. Now, as a diminution of volume is inevitably followed by an increase of slope, it must result that the depletion of the main river by these outlets tends to steepen its flood-line, and thus necessitates higher levees. The closure of these outlets and the consequent enlargement of volume in the main river, must therefore produce the opposite effect. It is noticeable, however, that the temporary conditions necessary to deepen or to raise the bed of the river are precisely opposite to the permanent effects which follow, and this has misled many engineers into the error of mistaking the temporary effect for the permanent one.

Although a division of the river into two channels by an island causes a steeper slope in each of them than in the main river, yet the temporary effect produced by closing one of these will be to increase its slope still more, but this increased slope produces an accelerated current in the other channel which enlarges it until it becomes of the same capacity as the river-bed above and below the island. When this has been accomplished it will be found that not only has the temporarily increased slope through the island chute disappeared, but that the flatter slope of the main river below the island has been permanently extended up through the entire length of the island channel, and not only has the slope through it been reduced but it has been lowered in the river above. If this be so, it must follow that results both temporary and permanent, but precisely opposite in character, will certainly occur when a crevasse or outlet is made through which a portion of the whole volume is diverted from the main channel and seeks the sea by another route, because the conditions are then exactly reversed. The outlet is simply an island chute, the land between it and the main river constitutes an island, and its closure must inevitably be accompanied by the same temporary and permanent phenomena that have just been described.

Therefore the opening of a new outlet would necessarily be attended with phenomena precisely the reverse of those which attend the closure of one, or of an island chute. The outlet would necessarily drain off a portion of the water flowing above it. This would of course temporarily lower the surface above it, just as the closure of an existing outlet would temporarily elevate it above the outlet. The main river channel below the new outlet would be too large for the needs of the river when thus depleted and the current in that part would be more sluggish. Hence the water would be unable to hold its burden of sediment in suspension there, and the process of raising the bottom would be immediately commenced by the river. This would continue until, by the diminished size of the channel below the outlet, the river had acquired the increased slope necessary to restore the velocity required to transport its suspended load without further loss. It would then be found that the flood-line of the river above the outlet had been permanently raised, and this in time would extend throughout the whole length of its alluvial region above the outlet, and would inevitably require higher levees.

This is not mere theory, for just such results have occurred, and very startling ones, even as recently as within fifteen years, caused by Cubitt's crevasse, an outlet three and a half miles above the head of the passes, through which about 25 per cent. of the Mississippi River is escaping to-day. It is an undisputed fact that the bottom of the river above the head of the passes has been raised from ten to twelve feet, and its channel capacity at that locality has been diminished nearly one fourth within a few years.

There can be no doubt of the entire feasibility of so correcting the Mississippi River from Cairo to the Gulf that a channel depth of twenty feet during the low-water seasons can be permanently secured throughout its entire course, and that the alluvial lands on each side of its waters can be made absolutely safe from overflow without levees by such correction. This can be accomplished for a sum entirely within the ability of the Government and one really insignificant when compared with the magnitude of the benefits which would flow from such improvement. UNTIL SUCH WORK IS ACCOMPLISHED AN ANNUAL EXPENDITURE FOR THE MAINTENANCE OF THE LEVEES IS IMPERATIVE.

VIEWS OF GENERAL BEAUREGARD.

NEW ORLEANS, February 7, 1878.

MY DEAR GENERAL: I am glad to hear that the sphere of the Levee Committee has been enlarged to include the improvements of the Mississippi River; for the two objects are co-ordinate with each other, and if executed simultaneously, according to a well-studied plan, may be accomplished with little more than the

amount estimated for by the United States levee commission of 1874, to reclaim only the alluvial lands of the Mississippi River by a system of outlets and levees, regardless of the improvement of the navigation of that important stream, which penetrates into the interior of the great valley of the West and has become so indispensable to its constantly increasing commerce.

It is evident that no definite plan of levees and improvements of the river can be devised until a thorough hydrographic survey of it and its principal tributaries shall have been made. This survey is earnestly recommended by themselves in their report, by Humphreys & Abbot in their *Physics and Hydraulics of the Mississippi River*, by Major C. R. Suter in his able report on the improvement of the navigation of the Mississippi River, (Executive Document 19, part 7, Forty-third Congress, second session, Senate,) and by Hon. A. G. Warfield's report, (congressional documents, H. R. 494, Forty-fourth Congress, first session.)

While that survey will be in progress the old levees should be restored by the General Government to their *ante bellum* condition and their gaps effectually closed, for the States in which those levees are located are no longer able to take proper charge of them or to insure that co-operation which is indispensable to success.

Two plans of protection against the Mississippi River have been warmly advocated: one of levees and outlets, by Messrs. Humphreys & Abbot, and by the levee commission, without even a thought being expressed that this great navigable highway of half the continent might be so improved, with a part of the sum estimated for, as to secure a ship-channel from the mouth to Cairo, or perhaps Saint Louis, while lowering, possibly, the flood-line between those extreme points. Their plan consists in abstracting from the river and conducting by separate channels to the Gulf such a volume of the flood discharge as shall be sufficient to bring down the flood level to a height easily under control by levees; thus assuming that a reduction of the volume of water in the channel will produce a permanent lowering of the flood-line, while an increase of volume will permanently elevate that line—which is disproved by each one of the passes and bayous leading from the river to the Gulf. (See J. B. Eads's review of report of United States levee commission, marked "C," page 23.)

With regard to closing up crevasses the levee commission says: "If we guard against these crevasses by raising and strengthening our levees, an elevation of the high-water mark exactly proportional to the increased volume will be sure to occur. To contain a quart of water a vessel must have exactly the requisite number of cubic inches, and a like principle applies with equal force to water in motion." As great a fallacy when applied to streams passing through alluvial soils as could have been uttered even by non-professional men, for the Mississippi River, especially, is doing nothing else but changing constantly its bed from Cairo to the Red River, a distance of eight hundred and twenty miles. Even in the second and fourth districts of this city we see that the river has shifted its bed at least half of its width in the last fifty years, the same at the Villere plantation, eight miles below New Orleans, and at the English Turn, a few miles further down. The levee commission, regardless of existing facts, maintain that, "Very numerous soundings with lead, adapted to bring up samples of the bottom, were made by the Mississippi Delta survey (physical and hydrographical) throughout the whole region between Cairo and the Gulf. They showed conclusively that the real bed upon which rest the shifting sand-bars and mud-banks, made by local causes, is always found in a stratum of hard blue clay, quite unlike the present deposits of the river. It is similar to that forming the bed of the Atchafalaya at its efflux and, as is well known, resisting the action of the strong current almost like marble. Clearly, then, the bed of the Mississippi cannot yield, and if the velocity be increased sufficiently to compel an enlargement of the channel it must be made by an increased caving of the banks, an effect which it is not quite so agreeable to contemplate." To this statement Captain Eads has answered, I think very properly, (see C., p. 8.) "Blue clay is found in the bottom and banks of the Mississippi at various localities, from the head of its alluvial basin to the Gulf. The exposure of the various strata in its banks above low-water mark and the intersection of these strata in various artificial excavations, their rapid destruction by the river current where the main stream forsakes its own channel and carves out a new bed through one of its many characteristic 'cut-offs,' the penetration of several of these strata by the artesian well at New Orleans before it had reached a depth equal to the present bed of the river at that place, and through which strata the river has evidently cut its way, all prove that the ordinary blue clay of the river will not resist the incessant action of the current."

The plan proposed by Captain Eads to prevent overflows and improve the navigation of the Mississippi is as follows: (See accompanying article from the New Orleans Picayune, marked "A," which gives so good a synopsis of the captain's plan that I prefer it to anything I might write. I inclose you also an article from the Cincinnati Commercial, marked "B," which gives in full the captain's views, and which you may consult for further information.) I feel no hesitation in saying that of the two proposed plans I give the preference to Captain Eads's, for it is founded, in my opinion, on sounder engineering principles, and I think if judiciously carried out will not only remove the forty-three low-water bars below Cairo, on some of which there is only four and a half feet of water, but would doubtless lower the flood-level, to what extent I am not now prepared to state owing to the want of reliable data on which to base any calculation.

If you permit me I will suggest that Congress should appropriate the sum of \$300,000 for a thorough hydrographic survey of the Mississippi River and its principal tributaries, with a view to increasing the navigable depth, obviating the existing dangers due to sand bars, snags, &c., and to lowering its flood-line, thereby making a levee system more practicable and less expensive." Also another sum, say \$3,000,000, to allow Captain Eads, under the supervision of a commission of three or five engineers, to apply his plan of improvement in a section of the river of — miles, above or below Memphis, where the bars may be worst. That experiment, which is worthy of the stated sum, would not only test the system, but furnish data to make a correct and reliable estimate of the cost for the protection of the alluvial basin from New Orleans to Cairo, after the hydrographic survey above referred to shall have been completed.

I remain, dear general, yours, most truly,

G. T. BEAUREGARD.

General R. L. GIBSON,

Member of Congress, Washington, D. C.

Richardson vs. Rainey.

SPEECH OF HON. J. H. RAINEY,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 3, 1879,

On the contested-election case of Richardson vs. Rainey.

Mr. RAINEY. Mr. Speaker, I desire to submit a few remarks upon the pending question in order that the other side of this case may be heard and that what has been said by my colleague [Mr. EVINS] may

not be permitted to pass unchallenged and unanswered. A careful perusal of his speech will convince an unbiased mind that his effort was to awaken sympathy on behalf of his hearers at the expense, in my judgment, of justice to a race that has too long been made to suffer under the ban of proscription and oppression. His synoptical history of South Carolina, the allusion to her distinguished men of the past, and the subsequent ordeal through which she has been compelled to pass, (all brought about by her own obduracy,) are depicted in a style of fervent eloquence well calculated to mislead and produce erroneous impressions in the public mind that cannot be upheld or rightfully sustained by testimony. I assert most positively that the people of South Carolina never were subjected to that oppressive condition of body, mind, and purse that is alleged.

I have always been candid enough to confess with profound regret that the affairs of the State were not conducted and administered in a manner that was altogether calculated to reflect credit upon the republicans. But grant what has been said on that point for argument's sake; we yet assert without fear of successful contradiction that during the entire time the republican party was in control the cheering beams of a generous and impartial prosperity spread itself like a mantle from one portion of the State to the other, filling the populace with comparative joy and consoling gratification. Every class of business thrived, the fields waved with plenteous harvests, the State securities were sought after for investment, our credit was good everywhere money was in the hands of the land-owners and laborers. All this, remember, existed despite the hue and cry of corruption, and oppressive taxation. But alas! Mr. Speaker, those days have disappeared from the State since the democratic party has come into power there. I take the ground that the people are more restive and discontented to-day than they were at any time during the *régime* of the republicans.

I firmly believe that if the present picture could have been seen preceding the change of affairs, that change would never have been permitted to take place, for the masses without regard to color would have been constrained to choose between comparative starvation and a sacrifice of manhood, or the continuance of the republicans in power. The picture of "the prostrate State," whose interest and dearest right it has been said have been trodden under ruthless and barbarous feet, has invariably been overdrawn; while on the other hand intimidation, persecution, terrorism, even assassination and murder, have been palliated and made to appear as though such things never existed except in very isolated cases or in a diseased imagination. Among numerous difficulties which we have to contend against there is none more formidable than the effort of the old leaders to halt the progressive march of the people in order to carry their minds back so as to induce them, as it were, to live in the past instead of the present, when it is really the duty of an intelligent and sound statesmanship to teach the reverse of this. Failing so to do they are not worthy leaders of the people, but rather blind leaders of the blind.

The true way to overcome difficulties is to realize that they do exist. This is the prerequisite to overcoming them. Thus, if the democrats in South Carolina would direct their attention to training and equipping themselves to grapple with the issues of the present, and not incessantly endeavor to recall the dead past, they would bestow upon the present generation as well as posterity a lasting blessing, one that would illuminate history and cause them to be praised within the gates. It is this grasping after the past, which is beyond their reach, that causes so much apprehension and discontent. It has the tendency to inflame their passions and make them revengeful, vindictive, and aggressive. This state of the public mind hinders prosperity, clogs the wheels of progress, and prompts men to brood over ills for which they have no remedy. If they were to look less after politics and more after the material interest of the state, their barns would be filled with grain and their purses become more plenteous. But, owing to this condition of things, there is a constant effort to subjugate as much as possible the laboring classes, in order that they might keep alive in their breast the idea of the inferiority of the negro and his incapacity for any position apart from being a hewer of wood and a drawer of water. He is all desirable if he votes the democratic ticket, works their fields, and does the bidding of his former master. But as soon as he attempts to assert his manhood by advocating the claims of a republican for office, be his candidate ever so pure in character or even "to the manner born," from that day onward he is a marked victim for the shot-gun policy or the penitentiary.

Let me here say, strange as it may sound to the ears of outsiders, that an honest difference of opinion is not tolerated in South Carolina. The edict has apparently gone forth against all who think and act independently of the democrats. The consequence is that those who dare differ are either ostracised, prosecuted, menaced, or dealt with in a manner most summary. It is this stolid Bourbon intolerance that fosters and keeps alive the fires of hate and engenders mistrust among the people. Is it not presumable, then, that the republicans, the majority of whom are colored, decline, emphatically decline, to vote the democratic ticket when they are thus treated? Both the learned chairman who made the majority report in this case and the member from the fourth district proceeded upon the hypothesis that because under pressing circumstances certain colored men promised to vote the democratic ticket headed by Governor Hampton they necessarily come to the conclusion that these men voted the entire

ticket; or, in other words, voted for the contestant. This is not only implied but expressed, without one scintilla of proof.

Now, sir, permit me to say my alliance with the republicans affords me a more intimate knowledge of their doings politically than is possible for either of the gentlemen to have, and for a very good reason: they are part and parcel of my political associates, while these gentlemen look at them from afar off, unless they can bring them near enough to do their bidding. I look upon them in a different sense—that of political equals. They have confided in me for over twelve years, nine of which I have spent in this Hall as representative guardian of their right and interest; was their candidate for the Forty-sixth Congress, to which I was legally elected, but was defrauded and tissued out of my seat. 'Tis passing strange that so light a thing as a tissue ballot should work such an infamous injustice and illegal result. I now ask in the light of reason, in the face of all this and much more that might be added, is it possible to have supposed they would have voted for the contestant in preference to myself, where no cause of dissatisfaction existed and where the contestant was not only a nominee of the opposing party but a stranger to a large majority of the voters? I might venture further and say is it within the scope of a possibility to conclude that the republicans would set aside their chosen nominee in order to vote for the democratic nominee, when they are made to feel by bitter experience how the democrats are trying their utmost to deprive them of their dearest rights? Let me assure you we are not dogs that we should do this thing; neither are we yet prepared to lick the hand that has lacerated so many of our backs and made such telling and fatal incisions into our very vitals. With recollections such as these fresh in memory, I affirm, in the face of whatever pledges may have been extorted from them or exacted, they—

Do stand but in a forced affection,

withal grudging the impudent exaction made. Admitting these pledges to be true, I opine that they were constructed in a similar manner to most of the oaths taken South to support the Constitution of the United States—namely, with that sort of mental reservation that I have heard so frequently boasted of. The distinguished gentleman from Louisiana and my honorable colleague have each furnished the country with learned dissertations on government—their functions, their duties, their powers, &c. Gracious knows they ought to bring forward something, for they have failed, signally failed, to establish a case for the contestant. Testimony such as they have adduced is nothing more nor less than hearsay, which no judge learned in the law or having regard for its bearing would admit before his court. I am astonished at any lawyer attempting to give force and significance to such an incongruous bulk of hearsay. They then bring forward what the judges had to say bearing upon the peace and quiet (as they are pleased to call it) which "permeated the entire State, from the mountain to the seaboard." This is done to prove if possible that no cause existed to warrant Governor Chamberlain at the time in making requisition for troops. They argue as if the governor had no constitutional right or discretion which he could exercise in the absence of the approval of the circuit judges. Where they got that idea from they fail to show authority. Perhaps it would be well for me to say that out of eight circuit judges and three judges of the supreme court there were not more than one, or at the most two, who had remained true to the republicans.

Now, sir, I beg to invite attention to some of the testimony cited to substantiate the views of the subcommittee of one, who has concluded that "no full, fair, or free election was held in the first congressional district of South Carolina in November, 1876." Yanty Byrd, having been called as a witness for the contestant, after being duly sworn, testified as follows, (record, page 166:)

Question. Are you a resident of Darlington County, and were you present at the general election of November 7, 1876?

Answer. I am, and was.

Q. Were you a member of the democratic party?

A. I am, and have been since the war, and expect to remain so.

Q. Have you ever been threatened, abused, or disturbed on account of being a democrat?

A. I have been cursed, abused, and threatened to be whipped for being a democrat; they double-teamed me once, and have attempted to whip me several times.

Q. Was violence used or threatened against other democrats, colored?

A. Oh, yes. I heard Abraham Brown's son threaten to whip him coming from the Hampton meeting at Darlington court-house, the Saturday before the election.

Q. Were colored men prevented from voting the democratic ticket by others of their own color?

A. Many colored men were prevented from voting the democratic ticket by their own color; many have told me so since the election.

Q. Could any but a bold man of your color vote the democratic ticket?

A. No, sir.

Q. Were not the colored people told by B. F. Whittemore and others to fire the woods on the day of election, to keep the democrats at home to fight fire?

A. He told them if the women could not control their husbands they must set fire to the woods to keep democrats at home.

Q. What sort of day was the 7th of November?

A. It was rainy in the morning, and the night previous.

Cross-examination:

Q. Did you hear Whittemore, or anybody else, make the statement above related?

A. I did not. My wife told me she heard him say so. I did not go to any of their meetings.

Byrd was one of the supposed strongest and most reliable witnesses. Now contrast the following evidence submitted by a republican, and

judge for yourself, before conceding the point, who obstructed the way to a full, fair, and free election:

Joseph Douglas sworn, (page 366:)

Question. At which poll were you at during the election?

Answer. At poll No. 1. In the morning, at gray daylight, it was raining pretty rapid; I got up and dressed myself; went up to see about tickets; got tickets; came on back. I met about one hundred and fifty democrats there. I waited for a considerable time until most of them voted; spoke to Colonel J. A. Law, the democratic chairman, and told him that I had some friends to vote, and he said, "you can't come in, Douglas." I replied, "Colonel, your men have voted, let them get out of the way." He replied, "that is my business." I said, "Colonel, you treat me with contempt this morning; the men done voted are to get out of the way." He told his men to keep their places. I then saw him take a colored man, Peter McKeever, by the hand, lead him up to the poll, put a ticket into his hand, and voted the democratic ticket. He then took another one, Joe Dicks, by the hand and do the same thing. Stepped out again; got Jack King by the hand and gave him the same ticket to vote; and then I said, "Colonel, I don't like this; you give us no showing." To which he replied, "I don't calculate to give you a showing." I asked him why. His reply was, "we don't intend to live under radical rule any more." I said, "Colonel, we beat you anyhow." He replied, "if you do you are sorry for it. If you do beat us by the ballots we beat you by the bullets. I know where you got your guns stacked." I said, "we don't vote with guns; we vote with ballots." The men I alluded to were all colored men Colonel Law took by the hand.

Then some one called Mr. Whittemore, who was a United States deputy marshal. Mr. Whittemore said to him, "Colonel Law, after your men voted you are to give way to others." He said to Mr. Whittemore, "This is none of your damned business;" but Mr. Whittemore said, "You must give way. I am deputy marshal, and I must see right and justice go on." Mr. Law then said, "I regard you no more than any other citizen." Mr. Whittemore then said, "I don't want you to regard me any more than any other citizen, but I want the right to be done, and he replied, "Colonel Law said, 'Your men have their arms stacked, and I know all about it.'" Mr. Whittemore said, "What arms have they?" He said, "They have guns concealed in jail." Mr. Whittemore called me and asked me about it. I told him a few were there, and I had them locked up, and would not let any one have them until the election was over, but that they were not a circumstance to the guns the democrats had in the drug store, where they had one hundred and fifty or more. Then Colonel Law gave orders to his men to give way, which they did. Colonel Edwards then took old man Gaston by the hand and made him vote the democratic ticket, which he did, crying. After that Colonel Law said to Mr. Whittemore in my presence that he would not disturb the election any more. The soldiers camped on the hill by Swift Creek, and the democrats reported to them that we had guns at the jail, and they put a guard there about the time the polls closed and kept them there until ten o'clock next day. We had no other disturbances at that poll.

Need I cite evidence more clear and emphatic than that? I will not cumber the records but with one more comparison. Colonel Law was a candidate on the democratic ticket for sheriff of Darlington County. I need say no more. Hear him.

Colonel J. A. Law sworn, (page 187:)

Question. Do you know of any instances of intimidation? If so, give them.

Answer. I know of instances. One was in the case of a colored man by name of Jack —, living on the place of E. A. Law, of Darlington; stated to me on the evening before the election that he was a democrat, and intended to vote the democratic ticket; that he was afraid to go to the polls on the morning of the election, but would wait until the afternoon, when he would come down on a back street, requesting me to meet him at a certain place and go with him to the polls for protection; that if I did not do it he would be injured by members of the republican party, as he had been threatened by members of the same party. I saw Joseph Jones, a colored democrat, violently assaulted by a colored woman, who sympathized with the republican party, within twenty feet of poll No. 1, for attempting to vote the democratic ticket. Other colored voters, whose names I do not now remember, came to me and insisted upon my going to the polls with them, as they intended to vote the democratic ticket but were afraid to do so.

Robert Lunney testifies also. Hear him, (pages 364 and 365:)

Question. Would it not be the easiest matter in the world to impose upon an ignorant republican voter with the bogus democratic ticket in the manner it is gotten up?

Answer. It would be very easy, and would deceive an intelligent voter if he did not read it, and I believe they were gotten up for the purpose of deceiving republican voters.

Q. Is it not a fact that the great majority of the republican voters are ignorant people?

A. It is.

Q. How was the democratic campaign in this county carried on; was it carried on peaceably or with a great show of violence?

A. It was carried on in a manner that was calculated to intimidate and frighten the colored people and republicans generally.

Q. On the 14th day of November did you see the Timmonsville rifle club come into Darlington?

A. I did see them come in, cheering, yelling; one man had a gun strapped across his back; saw another one in a wagon; all members were dressed in red shirts; nearly all had pistols strapped around their waists on the outside, and the one in front had the gun strapped across his shoulder. I was standing in the post-office door looking on, and one of them cursed me for a damned republican son of a bitch. I had not said one word. I saw a wagon in the rear of the procession covered with fodder, said to contain guns; this was the same wagon had the gun exposed with a bayonet fixed; and the same wagon followed the procession on their homeward march, with the fodder over it.

Q. Were not their demonstrations in town that day of a very violent and threatening character?

A. They were; looked as if they were prepared for anything.

Q. At what poll were you on the day of election?

A. I was at No. 1 at the opening, and passed several times during the day from between No. 1 and No. 2.

Q. Did you hear anything of any guns being at or near poll No. 2 on that day?

A. I did not.

Q. What about poll No. 1?

A. I heard that the democrats had at the drug store near poll No. 1 a lot of guns, pistols, and ammunition, which is about forty yards from that poll.

Q. How many United States troops were there?

A. Ten or twelve, I think.

Q. Did they interfere in any way with the election?

A. None whatever.

Q. What influence did their presence have upon colored voters?

A. It made them feel more secure in voting as they pleased; had no other effect.

Q. How near were the troops camped to either poll?

A. Nearly a quarter of a mile from poll No. 1 and much farther from poll No. 2.

Q. Were they not kept in their camp all day?

A. They were until the polls were closed, when, at the request of the democrats, a squad came up to guard the jail.

Q. Is it not a fact that at poll No. 1, which was nearest to the troops, and also close to the jail, in which it was said some militia guns were placed, all the colored persons voting the democratic ticket cast their ballots?

A. Yes; that at poll No. 2 all the colored vote was republican.

Q. Is it not a further fact that at Timmons ville, where nearly all the soldiers were that came into the county, that at this point the democrats got the largest colored vote that they got in the county?

A. It is a fact.

Q. Do you know anything about threats being made against colored people for voting the republican ticket?

A. I heard a good deal said about turning colored persons off from lands they rented if they did not vote the democratic ticket. One Dr. S. F. Barret told me before the election that he would not allow a single colored man to remain on his plantation if they did not vote the democratic ticket; as they owed him, he would take the last grain of corn from them and drive them off.

Q. Did not threats of this sort greatly distress the colored people?

A. It did, and was general. I think this affected the vote more than anything else, by causing colored men, some to stay at home, others to vote the democratic ticket, who, if let alone, would have voted the republican ticket.

The above shows unmistakably the animus of the party friends of the contestant. Their manifest purpose was to get, if possible, the Representative vote not by fair means, but by fraud and deception. I now pass on to discuss the subject more in detail. I do so not because I deem it necessary to put my case upon *hure* basis; for I regard what I call the passive action of this House in refusing to consider the case as more conclusive of my right to my seat than anything I can say. This action is a full and complete reply to the attempts of my colleague to maintain the right of the contestant or establish the illegality of my election. His argument by a historical review reaching back to the passage of the reconstruction acts and gradually ascending to the election of 1876 brings us directly to the case in contest. It might perhaps be said that the connection between these two periods is somewhat remote and irrelevant; but I am glad of the opportunity afforded me, for the last time perhaps in this Hall, to discuss these subjects in this connection, for, taking this retrospective glance, I shall endeavor to be brief, just, and impartial. I shall divest myself of all feelings and prejudices which are the natural results of our different experience and training, leaving to an impartial historian the task of holding the balance between us with an equal and steady hand, thus recording imperishable truth. The reconstruction acts were results of the late civil war. The vast expenditure both of blood and treasure is too indelibly fixed in the public mind to require repetition of me.

After a struggle of four years, in which human rights became involved, victory crowned the efforts of the friends of freedom, and that remarkable social and political anomaly of a republic half slave and half free, which had disgraced this country in the eyes of the civilized world, was destroyed, and the United States became free in fact as it had long been in name only. When the cloud of war had disappeared, the difficult problem of what disposition should be made of the recently enslaved race presented itself to the attention of statesmen for solution. The victorious North, wedded to the principles of liberty and progress, made doubly precious by the dangers that had menaced them and the heroic sacrifice endured to perpetuate them, could but realize the importance of further and surer safeguards.

The North was ready and willing to receive the South back to political equality, and to share the honors and glory of the future of a country that has no equal. Such magnanimity, sir, was most extraordinary, and when we compare it with similar events in the history of nations it stands forth unequaled and unparalleled; but withal the civil and political rights of the negro had to be protected. It would have been an act of gross injustice to leave him solely and absolutely in the power of his late master; and yet that experiment was tried for a time, but the black codes of the Southern States made it apparent that the late masters still sought to control the labor and independence of the negro and thereby reduce him to a state of serfdom and vassalage. The evils that would have followed are inevitable.

These indisputable historical facts, sir, were the reasons that led to the reconstruction acts, investing the negro with civil and political rights. I shall now speak of the government of South Carolina by the republican party. That party obtained control of the State in 1868 and held it until 1876, and are therefore responsible for that period. During most of that time the democrats sullenly refrained from the exercise of political power, hoping that the republicans would be unable to exercise the functions of government successfully. They are therefore largely responsible for any evils that might have been averted had they not abdicated their political rights. While I admit and deplore the blunders committed by my party, I nevertheless have no sympathy with that narrow and prejudiced view which distorts the vision of the democracy generally, and induces them to dwell exclusively on those mistakes, and magnify them into such proportion that completely obscures the great good accomplished meanwhile.

It needs a broader and more comprehensive view than that taken by my colleague to judge dispassionately of the record of the republican party in South Carolina. He refers for evidence to the diary of the clerk of the senate for proofs of the corruption he alleges. The person here referred to was indicted for forgery, grand larceny, breach of trust, and several other capital crimes, for all of which he was promised immunity if he would testify against prominent republicans. He gladly accepted the proposal, and thus escaped the penitentiary by his perjured endeavors to put others therein. My colleague also refers

to this man's evidence which he furnished from a stenographic diary. The value of the evidence of such a witness, given under such circumstances is easily determined, when I further inform the House that that diary was written in characters that no human being could read but the man himself who wrote it, being a combination of his own invention—why, sir, the testimony of Anderson before the Potter committee, so justly regarded by the committee itself and the country as perfectly worthless, pales into insignificance as compared with testimony of such character and given under such circumstances.

But why discuss such testimony? It is unworthy of consideration. The republicans of South Carolina from 1868 to 1874 committed serious blunders for which I shall offer no apology. But the real questions in 1874, of the best and most thoughtful republican leaders, were these: Are these evils remediable? Can they be avoided in the future? Have we not men in our own party sufficiently able and honest to correct them? If the democrats were in power would they preserve the good and avoid the evil? I maintain that these questions are pertinent and proper, for if the republican party, founded as it was on great principles of liberty and human rights, possessed sufficient power to divest itself of the incidental evils perpetuated by unworthy men, it deserved to triumph over the democratic party which was opposed to these important and fundamental rights. Having confidence in Hon. D. H. Chamberlain, he was triumphantly elected governor in 1874. He governed that State for two years, cordially supported by the best men of both political parties and the ablest democratic newspapers in the State. I could quote largely from the sources referred to, if space permitted, to substantiate these statements. The candidacy of Governor Chamberlain was debated earnestly and seriously in the democratic convention of 1876. My colleague uses this remarkable language in reference to it:

Having made use of every lawful expedient to improve their condition and lighten the oppressive burdens of taxation without avail, the good people of the State in the summer of 1876 met in convention, and in spite of the blandishments and skillful diplomacy of Governor Chamberlain, who desired a re-election, determined they would no longer vote for any member of a party that had become so infamous, and resolved that they would put a full ticket of their purest and best men in the field and call upon every honest voter of the State, without distinction of color or party, to unite in a supreme effort to wrest the government from the hands of the public thieves and plunderers who had gotten possession of it.

The convention was composed of one hundred and fifty representative democrats. The fact of their considering the expediency of supporting Governor Chamberlain for a second term is proof evident that his preceding administration gave general satisfaction. But the Bourbon element triumphed, consequently he lost their support. It is worthy of mention to say that in all the investigations originated by the democratic party of South Carolina they have failed to discover or charge any fraud or improper acts connected with his administration from 1874 to 1876. And now, Mr. Speaker, I trust the House will pardon me for this lengthy digression, though I feel that it was made necessary by the speech of my colleague. I shall now confine my remarks to the evidence in this contested case. I shall treat it briefly for two reasons: first, because, as remarked before, the action or rather non-action of the House in refusing to consider the case affords the best evidence of its weakness if taken upon its merits, and, secondly, the arguments can be very summarily disposed of. That argument, or that part of it that possesses any strength, is contained in the increase of the vote, as set forth in the following paragraph:

The first which I shall notice is the large number of fraudulent votes cast, as shown by previous elections and by the United States census. According to the census of 1870 the total population of the counties composing the first congressional district was as follows:

Chesterfield County.....	10,584
Marlborough County.....	11,814
Marion County.....	22,160
Horry County.....	10,731
Georgetown County.....	16,161
Williamsburgh County.....	15,489
Darlington County.....	26,243
Sumter County.....	25,268
Total.....	138,440

At the rate of one voter to every five we would have had, therefore, in 1870, 27,688 votes. Accordingly in that year we find the number of votes cast in this district, after an exceedingly hot contest, in which the candidates of both parties personally canvassed each county in the State, was 25,479. In 1874, after a very exciting contest, especially in the first district, we find the number of votes for Congress was 27,926. Yet the State board of canvassers declare that contestee and contestant together received, at the election in November, 1876, 34,841 votes, an excess in 1876 over the election of 1874 of 6,915, and over that of 1870 of 9,362 votes, being nearly 7,000 more than was ever cast in the district before. I know that in every part of the State strenuous efforts were made to bring out the full voting strength by both parties; but can this enormous excess be accounted for in any legitimate way? I am satisfied it cannot. Instead of the population in that section having been increased by immigration or by any other cause, it is a well-known fact that since their emancipation the disposition of the colored people has been to leave the rural districts and crowd into the larger towns and cities. But a comparison of the census of 1850 with that of 1870 will demonstrate the illegality of at least three or four thousand of these votes. The increase in the population of this district during the prosperous period of ten years intervening between 1850 and 1860 was 17,753. Now, taking the population as given us by the census of 1870, 138,440, and the same ratio of votes to population, (one to every five,) it would require, in order to get the 34,841 votes in 1876, an increase in six years of 7,153 voters, and of population an increase of 35,765 against 17,753 in the ten years from 1850 to 1860.

It is scarcely possible, with all the election machinery completely in the hands of the party friends of the contestee, that the contestant could have received many of these illegal votes. Such a showing as this was the principal if not the sole ground upon which, in the last Congress, Buttz in his contest with Mackey succeeded in having the election set aside.

The gentleman could scarcely have chosen a line of argument more unfortunate for him than the one he has selected. There was a large increase of votes in the State in the campaign of 1876, so large that it irresistibly suggested the idea offered not only as he expresses it to his mind, but to my mind also and that of every republican. We are therefore agreed on that point, but fear the same unanimity will not exist when we come to select the party guilty of perpetrating the frauds. He asserts that "it is scarcely possible with all the election machinery completely in the hands of the party friends of the contestee that the contestant could have received many of these illegal votes." That is just what I shall prove, namely, that the contestant did receive most if not all of the illegal votes by which my majority was so reduced from that of previous years. And I shall prove this not by any probable increase, such as was complained of, but by a mathematical demonstration.

I received the following vote in 1876, and the contestant the number opposite his name:

Rainey	18, 180
Richardson	16, 661

Rainey's majority	1, 519
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In 1874 the following vote was cast at the congressional election in my district:

Rainey	14, 360
Lee	13, 563

Rainey's majority	797
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Mr. Lee was a republican and received a large part of the republican vote and all of the democratic vote also. The increase in my vote in 1876 resulted from the fact that I received the almost solid republican vote, which was about eighteen thousand. The democratic vote in that congressional district is between ten and eleven thousand, and the large increase in the contestant's vote represents the frauds complained of. It will thus be seen that this extraordinary increase that is urged as fraudulent is coolly charged to the republicans because they had partial control of the machinery of election. That manner of charging is wholly democratic. He is quite welcome to whatever consolation these figures afford him.

Mr. Speaker, much has been said on this floor regarding the presence of soldiers at or near the polls on election day, and on the fact that Governor Chamberlain requested military protection from the National Government during the campaign preceding the election. If the military had interfered to suppress the exercise of free speech during the campaign or a free ballot at the polls on election day by the democrats, there would be some propriety and pertinency in these complaints; but when it is so notorious that the military only protected from violence the republicans in the exercise of their right of free speech and free ballot, which the democrats endeavored to suppress by violence and intimidation, these complaints become absurd and unreasonable. All these objections to the presence of troops, when the reasons on which these objections are founded are wholly wanting, have, to say the least, a refreshing coolness; and when in addition it is so well known that their presence prevented the party complaining from carrying out their nefarious designs of depriving the party protected by them from the exercise of their political rights, it presents the most remarkable spectacle of the exact reversal of a political axiom otherwise sound and excellent. In a word, the presence of troops when they prevent the exercise of free speech and a free ballot is decidedly objectionable, but when they interfere to protect its exercise by both or either parties there can be no objection except by the party that seeks to suppress or prevent them. It is urged that the presence of soldiers in the State prevented contestant from being returned elected, by protecting, I suppose, those who gave me the majority of the votes.

This fact aroused his virtuous indignation; but the gentleman has no indignation to spare against the State militia forces that were so largely employed to defeat my re-election in 1878. The presence of the military at the Sumter meeting of October 12, 1878, when the artillery from Columbia united their forces with the infantry of Sumter County and loaded their cannon with bags of ten-penny nails to fire upon the unarmed republicans is now a matter of history. The conduct of the State military forces at this meeting was but a specimen of the manner in which they acted not only throughout my congressional district but in every other part of the State. From the above it is evident that the objection is not to a military force *per se*, but to the national arms. Where the State military force succeeds in accomplishing what the national force prevented, namely, suppression of free speech and free voting, there is no objection to their presence at election time. Can anything better prove the hollow mockery of these objections and the wisdom of Governor Chamberlain in asking for troops and of President Grant in sending them? What a contrast in 1876! We had comparatively a fair election, free from violence, but not free from democratic fraud. But in 1878 both fraud and violence united to crush out a legitimate republican majority in my district of about 6,000, and gave the democratic candidate a majority of 8,000. He could have been declared elected by a majority of 20,000 with as much legal propriety. I now come to the thought with which I desire to conclude these remarks.

It has been asserted and dwelt upon with force and emphasis on this floor that the corruption of the republican party was great. I

have not denied that some pecuniary corruption existed during the first four years of republican rule in South Carolina, in the perpetration of which republicans and democrats were combined. Democrats outside the Legislature, who wanted special legislation enacted, were the first to corrupt the republicans. The briber, my moral philosophy teaches, is just as bad as the bribed. I notice there has been no word of condemnation for them, while the republicans have been assailed. The republican party in South Carolina was destroyed in 1876-77; not by desertion of thousands of them who went over to the democrats, as the gentleman from Louisiana asserted in the paragraph following:

By the middle of October, 1876, the fortunes of the republican leaders in South Carolina had grown desperate. The colored voters were deserting them by thousands. They were flocking to democratic meetings; they were riding in democratic processions; they were joining democratic clubs. On this point there can be no doubt—

but for the want of a simple guarantee of protection in the exercise of their acquired rights. The Government that had bestowed the gift failed to sustain and protect them in the enjoyment of the same. Up to this time the democratic party has been in possession of the State for two years, and an important election has taken place during that period.

Now, let us compare the two governments of these two parties during that period and see if the ills complained of have not been cured by the substitution of greater and more fundamental evils. Republicans ruled under Governor Chamberlain from 1874 to 1876, and in the first two years of democratic rule under Governor Hampton, say from 1876 to 1878, no corruption has been charged much less proven against the former's administration. As compared with Governor Hampton's doubtless it was more extravagant; that I concede for sake of argument. Now let us see if economy has not been purchased at much too dear a rate. The democrats have had control for two years; what are the fruits of that power? While no individual corruption has been charged against those in power, the State to-day is an acknowledged repudiator in the exchanges of the world. After solemn pledges that the bonded debt should be held inviolate she refuses to pay the principal and interest of her bonds, and her public credit has been utterly ruined thereby. One of her own native-born judges says with stinging sarcasm, in deciding in favor of the validity of the bonds that the Legislature has repudiated, "that the State should certainly return money she has received and used from the sale of bonds before she repudiates them." Her bonds that could have readily been sold when the democrats were inducted into power are now begging purchasers at any price; public schools are closed nine months in the year.

Mr. Speaker, there are some things that are far more precious in the eye of the American citizen at least than all the wealth of the Indies, and those are human liberty and human rights. These are fundamental and much prized by my race; yes, sir, superior to all pecuniary consideration, as the soul is to the body. For their possession and their complete exercise men and nations have willingly laid down their lives in all ages. It is for this that even the uncivilized Zulus are fighting in Africa to-day. But to the point. Can the saving of a few thousand or hundreds of thousands of dollars compensate for the loss of the political heritage of American citizens? Must the will of the majority to rule, the very foundation and corner-stone of this Republic, be supplanted, suppressed, or crushed by armed mobs of one party destroying the ballots of the other by violence and fraud? The destruction of a free ballot by the democrats is an evil of greater magnitude than the extravagance of the republicans. The one will eventually destroy the Republic by sapping the foundation of its sacred institutions, while the other is but a comparatively slight and temporary evil, which ill can easily be repaired.

This is but the record of the respective parties for the past four years. I cannot believe there is a true American citizen on this continent, with that instinctive love of liberty which should characterize all such, that would hesitate for an instant in preferring the republican administration of Governor Chamberlain, with all its alleged extravagance, to the present administration in South Carolina, with its fatal and pernicious destruction of the rights and privileges of republicans. I have only to say, in conclusion, sir, that I heartily reciprocate and appreciate the kind personal sentiment that has been expressed toward me by my colleague. Our personal and official intercourse has been most agreeable, notwithstanding our wide political difference, and I assure him I shall always cherish a pleasant recollection of it.

Southard Amendment.

SPEECH OF HON. E. B. FINLEY,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 25, 1879,

On the Southard amendment to the legislative bill to repeal the law for supervisors and deputy marshals of elections.

Mr. FINLEY. Mr. Chairman, no argument, however specious and ingenious, in favor of the perpetuation of this statute can divest the

mind of the idea that the real motive at the bottom is to maintain the law in order that it may be executed in the interest of the party now opposing its repeal. And I have no doubt that if the democrats were to be invested with the power to execute this law, if the machinery provided in it was turned over into democratic hands, our republican friends would not be so anxious for its repeal. It is, as I believe, because republican officials can and have used this law in the interest of that party that its leaders are so much opposed to its repeal.

The repeal of these iniquitous provisions of the election laws is characterized on the other side as revolutionary because it is put on as an amendment to this appropriation bill. When these provisions were enacted by a republican Congress for political purposes they were carried through against the protestations of democratic members on an appropriation bill in part. If it was not revolutionary to enact them as provisions in an appropriation bill, how does it become revolutionary to repeal them in an appropriation bill? They were enacted to aid republicans in carrying elections by corrupt and foul means. They are now repealed to save a large expenditure of the public money for corrupt and improper means, and therefore appropriate to the subject-matter of the appropriation bill.

These provisions in the election law constitute one of a series of measures devised by unscrupulous politicians to control the elections of the people in order to keep the republican party in power. They are of the same nature and designed for the same corrupt purpose as the "returning boards" in Louisiana, Florida, and South Carolina, whereby at the late presidential election three States were defrauded out of the undoubted result of the votes of the majority of the people. Such wrongful and fraudulent means to control elections and defeat the voice of a majority of the people are truly revolutionary. They are wicked attempts to defeat popular government. By such means the republican party has kept itself in power, and is seeking to perpetuate its power in violation of the decision of the majority of the people. Not only does the republican party seek by these wrongs to control the elections, but also to carry on their political canvass at the expense of the National Treasury. Popular government cannot continue to exist under such usurpations and wrongs against the majority of the people.

Under the garb and false pretense of preventing frauds on elections, these laws are designed and calculated to accomplish the most nefarious frauds and usurpations. It is under such false pretenses that the people have been cheated out of their rights and liberties in other ages and countries. The gentleman from Maine [Mr. FRYE] maintains that the occasion that gave rise to the enactment of this extraordinary legislation was the fraudulent naturalizations by the courts of New York in 1868, and that their enforcement since has had a salutary effect in preserving the purity of the ballot-box in that great metropolis. Let us see how that is. Conceding that the judges of the courts of New York were corrupt, and naturalized people who were not entitled to become citizens, I fail to see how a law providing the machinery to control the so-called purity of the ballot-box on election day could in any wise affect the action of the judges of the courts in the matter of naturalization.

But, Mr. Chairman, it is not the obnoxious character of the law itself so much as the partisan and wicked use to which it has been applied that makes it odious to the people of this country as represented by this side of the House. When we see a law of the United States, ostensibly to preserve the purity of elections, used as an engine of power and oppression to further the interests of a particular party at the expense of the tax-payers of the whole country, is it any wonder that the people, and especially the party against whom this engine of power has been applied, should cry out against it and insist on its repeal?

We do not feel like maintaining a law under which the republican officials can spend two to five hundred thousand dollars annually in arresting and imprisoning democrats to the end that the republican party may continue in power. At last the republican party sees itself about to become the minority party. A continuance of this law would look very much to me like putting into the hands of that minority the power and machinery to arrest and imprison on election day so many of their opponents as might be necessary to turn that minority into a majority, the cost of all which to be paid out of the public Treasury.

It has been in democratic strongholds where this law has been enforced most vigorously, as witness the recent election in New York, where ten thousand democrats were arrested and held prisoners on election day and prevented from voting, and afterward discharged. If our republican friends are in good faith and honestly desire to prevent fraud and enforce purity in elections why have they not used the machinery in their hands to protect the ballot-box and punish fraud in Philadelphia, a republican city, where the ballot-box stuffers, repeaters, and political rounders are all republicans? We hear of no wholesale arrests being made there; the voters of that city have not been arrested and marched to prison on election day by plotters as in New York; yet will any one deny that Philadelphia is as corrupt a city as New York, and needs just as much care to preserve the purity of its elections? It is much more corrupt. Philadelphia, with several hundred thousand less population than New York, fraudulently casts a larger vote.

The frauds of democratic New York are more than offset by the frauds of republican Philadelphia; yet our liberty-loving republican

friends, (in whose nostrils fraud on the ballot-box is a stench and an abomination,) in the enforcement of this law, are so busy looking after the frauds of democratic New York that they entirely overlook republican Philadelphia. In 1875, New York, with a population of 1,041,857 cast, in round numbers, 128,000 votes, or one vote to every nine inhabitants. Philadelphia, with a population of 800,000, cast a vote of nearly 113,000, or one vote for each six inhabitants.

In 1876 the population of New York was 1,064,226, the vote 112,344, or one vote to each nine inhabitants; while Philadelphia, with a population of 817,448, cast a vote of 139,185, or one vote to each five inhabitants. In 1878 New York had a population of 1,137,821 and cast 139,418 votes, or one vote for each eighth inhabitant; while Philadelphia in 1878, with a population of 850,856, cast a vote of 127,269, or one vote to each six inhabitants.

I call the votes of these two great cities into notice side by side—the one democratic and the other republican—in order that gentlemen may see that if New York is corrupt, Philadelphia is more so; and there can be no excuse why the citizens of New York shall be overrun by an army of republican marshals on election day, and arrested and imprisoned, and the democratic voters of Philadelphia left to be bullied at the polls, cheated and defrauded of their political rights by the gangs of republican bullies, repeaters, and ballot-box stuffers which infest that city.

Mr. Chairman, I believe this law has been used, and as long as the opportunity remains will continue to be used, as an engine of oppression against the party to which I belong; that it is corruptly enforced to keep the party using it in power; and believing as I do, I am unwilling to vote a dollar appropriation for the purposes provided in this bill, except upon the condition of the repeal of this obnoxious law.

Claim of Maggie Barron and others.

SPEECH OF HON. C. E. HOOKER,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 1, 1879.

The House having under consideration the bill (H. R. No. 6131) for the relief of Maggie Barron, Henry P. Gorman, and Walter Gorman, children and heirs at law of George Gorman, deceased—

Mr. HOOKER said:

Mr. SPEAKER: On the 21st of last month the gentleman from West Virginia [Mr. MARTIN] presented to the consideration of the House a bill the object and purpose of which was to transfer to the Court of Claims the consideration of a certain claim made by minor heirs, which could not be passed upon by the committee that had had the subject under consideration. When that claim was presented I took occasion to say, in response to some things that fell from my friend from New York, [Mr. POTTER], that I thought all claims of this description ought to be referred to the courts of the country, and that I was in favor of referring this claim in that way. The following are my remarks on that occasion:

Mr. MARTIN. I yield for a few moments to the gentleman from Mississippi, [Mr. HOOKER].

Mr. HOOKER. I desire to say in response to what has fallen from the gentleman from New York [Mr. POTTER] on this side of the House, that I think if he understood properly the propositions of his own bill he would not have criticised the one offered by this committee in the way he has done. Every claim against the Government should stand upon its own foundation. As I understand the provisions of this bill, it simply proposes to compensate parties whose goods were taken by the Government of the United States, and who were minors at the time, and who, therefore, were not embraced within the provisions of the former law. Upon every principle which belongs to that law for which the gentleman from New York expresses so much respect, I undertake to assert that neither in the country from which we borrow alike our laws and our language nor in any other civilized community has there ever been a statute of limitations that did not exempt minors, *femine coeetes*, insane persons, and those incapable of taking advantage of the law. The bill introduced by the gentleman from New York himself, to which I gave my assent, proposed to include claims, just and proper in themselves, presented by loyal citizens; and if the gentleman from New York had had the misfortune to go from New York to reside for a year or two in the South and had there had all his property destroyed by the Union Army while he himself was loyal in Mississippi as he had been loyal in New York, would he not have thought it a very hard thing if his Government had said, "We will not pay this debt?"

Why, sir, his own proposition proposes the following:

"Be it enacted, &c., That any person who may have a claim against the United States of which the Court of Claims would not now have jurisdiction, but founded upon equity and justice, and not barred by the statute of limitation provided by the laws of the United States, may file his claim in that court."

The man above all men who stood higher than all others in judicial acumen and legal learning, Judge Story, said that it was a disgrace to this free and enlightened country when in the most despotic governments in the Old World a citizen who had a claim against the government had a right to go to the court and demand his pay.

There was no such right here; and this sentiment thus uttered by this great lawyer and judge was carried out in the Court of Claims.

And now, sir, to-day you have in the Treasury of the United States \$34,000,000 of captured and abandoned property. You have \$15,000,000 which you acknowledge does not belong to the Government of the United States, and never can be mingled with the other funds in the Treasury, but it must stand there forever as a sacred fund to pay debts you acknowledged that you gathered from those who were loyal in the South.

And while I admit that there are few exceptions to this, yet I know that there were some persons who were loyal there, and if you took their property you did it

as a trustee, with the intention and purpose when they came with their claims to return it to them, and this is one of that class of claims.

In regard to this particular claim I must be permitted to say that until it was reported to the House I was not aware that such a claim was in existence. I do not know the parties; they do not reside in the congressional district which I have the honor to represent. I have never had any correspondence with them or any one representing them. Hence, when I spoke upon this claim I simply spoke with a view of transferring to the courts, where I believed it properly belonged, the power to decide upon the questions involved in the claim.

Now, sir, when you come to look at the history of the law passed on the 3d of March, 1871, creating a southern claims commission, you will find that when it was under discussion in the Senate, Senators who opposed the bill in the form in which it now stands upon the statute-book (and among them a gentleman so distinguished as a lawyer and in the ranks of the republican party as Mr. EDMUNDS, and a republican so distinguished as a lawyer and statesman as the late Senator Morton) declared that it was an outrage to create a special tribunal in which a southern man who claimed to be loyal could prosecute his claim against the Government while you had another and a different tribunal in which similar claims of other persons were presented. But those in favor of the bill as it now stands on the statute-book prevailed, and urged that there should be a special southern claims commission; and upon a yea-and-nay vote in the Senate the bill was passed in the form in which it now stands creating a commission to audit the claims of southern loyalists.

The second section of the bill provides that the President shall be, and he is hereby, authorized to nominate, and by and with the advice and consent of the Senate appoint, a board of commissioners, to be designated as commissioners of claims, to consist of three commissioners, who shall be commissioned for two years, and whose duty it shall be to receive, examine, and consider the justice and validity of such claims as shall be brought before them of those citizens who remained loyal adherents to the cause and the Government of the United States during the war, for stores or supplies taken or furnished during the rebellion for the use of the Army of the United States in States proclaimed as in insurrection against the United States, including the use or loss of vessels or boats while employed in the military service of the United States.

The law goes on further to provide that the loyalty of the claimant shall be established as a condition-precedent to his having any status before the commission.

When this bill was under discussion in the Senate, on March 3, 1871, the late Senator Morton said:

I desire to state briefly why I cannot vote for this report. I am in favor of putting the loyal men of the South and of the North precisely on the same footing, with the same rights to sue or to prefer claims in the same tribunals and before the same departments of the Government. I am in favor of perfect equality on this subject. This bill provides for a different tribunal for the loyal claimants of the South from that to which the loyal claimants of the North may resort. It preserves the inequality by establishing a new tribunal for southern claimants, and when their claims have been passed upon it makes no provision for their payment. They are to be reported to Congress, and then perhaps they are no nearer being paid than they are now. I am in favor of the amendment as it passed the Senate, to allow the loyal men of the South to go into the Court of Claims, or to go to the Quartermaster-General, or to the Commissary-General, on the precise terms that loyal men of the North can, and when they shall establish their claims on the same principles, then they shall be paid. This is a mere circumlocution arrangement by which, after the testimony has been taken and a vast report comprising thousands of pages of testimony has been submitted to Congress, men will be no nearer having their claims paid than they are now. I prefer to stand by the bill as it passed the Senate.—*Congressional Globe and Appendix*, third session, Forty-first Congress.

A standing committee of this House was appointed to which were referred all questions of this description. That committee at present is composed of six democrats and five republicans, my friend from Illinois [Mr. EDEN] being chairman. This bill came here, as I am informed, with the sanction of that entire committee, and it simply proposes to clothe the courts of the country with power to pass, first, upon the loyalty of the claimants, and secondly, upon the legality of the claim. My speech, therefore, which I have embodied in the remarks I make to-day, was designed simply to advocate the idea that all these claims should be referred to tribunals constituted under the law to pass upon such questions, and to do what the prominent leaders of the republican party in the Senate proposed to do when the bill to create the southern claims commission was under discussion.

On the following day, when I chanced to be absent for a few minutes from the Hall, a response was made by the honorable member from Wisconsin [Mr. BRAGG] to this speech of mine, in which he undertook to say and evidently supposed (as it was said one of the parties, the beneficiary, came from Mississippi and the other two came from Tennessee) that the claim came from the Vicksburg district. That was not true in point of fact. He also said in my absence from the Hall that I was singing paeans to the loyalty of the people of Vicksburg and of that district, and was pressing their claims upon the Congress of the United States on the ground of their loyalty. Sir, that was a gross mistake on the part of the honorable member from Wisconsin. He went on further, and taking this speech of mine and the presentation of this bill as the basis of his remarks, made a declaration that there existed on the part of southern democrats upon this floor a disposition to put their hands improperly into the Treasury of the United States and to appeal to the northern democracy to aid them to accomplish this purpose. Where did the honorable member from Wisconsin get the facts upon which he dared in this Hall to make such

an accusation against the democratic party North and South? Did he find any foundation for such a statement in the bill itself? Did he find it in one single utterance of southern men on this floor? If he did not, then why did he make the charge which was, I affirm, a slander alike upon northern democrats and southern?

Mr. Speaker, in our action on this floor we are not to be deterred by the idiosyncrasies of any man who chooses to mark out a peculiar course for himself from voting for whatever we think is right; and I hold that every claim against the Government should be so absolutely and so completely divorced from political sentiment that no honorable man sitting upon either side of this Chamber, when a claim is presented against the Government, would seek to make it a political question upon which parties can divide.

Sir, if every member on this side of the House feels it his duty to vote against this bill, I can have no cause to quarrel with or comment upon his action. If every member on the other side chooses to vote against this bill, I have no right to call in question the propriety of his action. In the administration of a law, and especially such a law as this, right and justice demand that the law shall be divorced from politics; that we, sitting here as administrators of the law, shall pass upon all these questions according to the justice and the right under the law, and not as partisans.

It is, Mr. Speaker, a remarkable fact that while the Supreme Court of the United States in repeated decisions, in Klein's case and in Padelford's case and in a number of other cases, held that a pardon by general amnesty proclaimed by the President restores the offender to the same status in court as if the offense had never been committed, yet the southern claims commission, looking to the law of its creation, has never relaxed the rule requiring proof of loyalty as a condition-precedent to any and all recoveries.

Sir, the honorable gentleman from Wisconsin in making this charge against southern and northern democrats will not let us forget our recent unfortunate civil contest. He has taken up the rôle of bloody-shirt shaker which had been abandoned by the liberal-hearted men of the opposite side of the House, as illustrated in the utterance of the distinguished gentleman from Ohio [Mr. GARFIELD] some time since, when he predicted that any man who dared to appeal to sectional jealousies and sectional animosities on this floor would appeal in vain; and, sir, I hope that this appeal will fall powerless to effect this object, whether it comes from one side of this Chamber or the other.

I say I cannot be led to forget the union which I have with the northern democracy, that when the war closed we found a gallant band of men in the minority on this floor, some of whom are here now, who, whenever measures of legislation were proposed which were intended to let the iron heel of war still oppress the South—I can never forget that there stood a gallant minority on the floor, led by the honorable member from Pennsylvania who now occupies the Speaker's chair, resisting every effort of oppression, that banded themselves together to do what, Mr. Speaker? To unite with the southern democracy for the purpose of getting money from the Treasury? No, sir; and I hope the gentleman from Wisconsin did not represent the northern democracy when he uttered such sentiments; but to unite in restoring the Government to the orbit in which the Constitution bids it move.

There we stood, with our rights upon this floor, and every gentleman upon the other side of the Chamber, taking the position under the Union, under the Government, and under the Constitution as equals of every other Representative from every other State, and for this reason, that we in the South felt we had found able and manly defenders on the part of the northern democracy who were willing to throw the mantle of oblivion over the incidents of the war.

If these claims are right, then "let the dead past bury its dead."

Sir, the object and purpose of our union with the northern democracy was to develop the great and material resources of our country and to restore to it peace and prosperity. These are the grounds upon which the northern democracy and southern democracy shook hands upon this floor, and he who asserts that we are bound together by any other sentiment, or he who believes otherwise, may possibly be capable of being guilty of the act he ascribes so glibly to others, and may take to himself the homely old French adage, "*Honi soit qui mal y pense.*"

We have never supposed any other bond of union than right and justice, and if any one supposes there is any other I say that it has never been thought of by those who represent the South. It reminds me, sir, of an instance that occurred in the Senate, as an illustration of the sentiment. One Senator said he did not know that there was anything in the rules which would prevent a Senator from going to the Clerk's desk and changing his record of votes. "No," said another Senator, "there is nothing to prevent it; but it has never been heretofore suggested in this Hall that such a thing was possible on the part of any Senator." So that—supposing that there could be any combination between the northern and southern democracy by which these southern claims were to be presented against the Treasury of the United States unjustly and improperly—with reference to these claims, they were presented to Congress under a law which was passed when both branches of the Legislature were under control of the republican party, and the bill itself was approved by a republican President.

It was an act of simple justice to that part of the southern people who were loyal, and characterized by the most prominent of the re-

publicans as only unjust in prescribing one forum for southern loyal claimants and another and a different forum to try the cases of northern loyal men.

When I came to look at the record in the cases I found that there were but nine cases from the State of Mississippi. A large number came from Tennessee, where you had fifty thousand troops in the Union Army. A large portion came from Maryland and some from the extreme Northern States; but, wherever they came from, if you chose to pass a law in 1871 so that a man could show that he was loyal and present his claim for that which the Government had the use of, shall it be said that the Government will say, "I will not consider the claims?" As I said the other day, it was the remark of Judge Story that while in the most despotic countries of the Old World a citizen could sue the government of the country, in this enlightened free country we never had a tribunal in which the citizen could force the Government to pay him what was due him until, as I say, the law was passed in 1876 with limited jurisdiction.

Sir, this law was passed by a republican House and a republican Senate and approved by a republican Executive. As to the money which the gentleman from Wisconsin asks us to take our eyes from, the \$34,000,000 of captured and abandoned property, why does he want us to take our eyes from it? Does he have any disposition to take any portion of it for himself? Why, sir, the Supreme Court has decided in a number of cases that this captured and abandoned property is a trust fund in the Treasury of the United States for the purpose of paying such claims for captured and abandoned property as could come from the South alone.

A portion of it has been paid out by the Secretary of the Treasury by adjudications, but there remained fourteen millions of this fund, a large portion of which was the fund gathered from the South after the war, and when arms had been stacked and when the country was at peace. A large portion of this property was gathered from the South and put into the Treasury of the United States, and afterward sold by Draper & Co., auctioneers, in New York, the money derived from which remained in the hands of the Treasurer until 1868, when by a joint resolution of the two Houses it was covered into the Treasury.

Sir, what would be said of a court of chancery if you were to say, "Oh! don't talk about paying these claims, because it has to come out of a trust fund, which is a large one."

It would be the first time in a court of justice that the chancellor had listened to such an argument, and it would be the only time that a claim, however just, however honest, was rejected because of the amount involved. The fishery award of five and a half millions of dollars was thought to be exorbitant by our Government, but they paid it. The arrearages of pensions was thought to be almost an act of bankruptcy, but it was regarded the due of the soldiers and was paid.

Sir, we of the South have sat here at this session and at former sessions, and have voted millions and millions of dollars to pay arrearages of pensions, other millions to pay pensions, \$5,500,000 for the fisheries award, and numerous claims, and we have never asked a question as to where the money was to go. But now, when a single citizen comes up and it is proposed upon the unanimous report of your committee to allow him to present his claim to our own tribunal then you say, "No, that will not do, for the tribunal may decide the claim to be just, and it is too large a claim to be paid."

I undertake to assert that when the honorable member from Wisconsin [Mr. BRAGG] or any one else holds that there is a disposition on the part of a single man who sympathized with the South during the war to bring forward and urge fraudulent and unfounded claims against the Government of the United States he asserts what is not true. A large portion of the claims on your Calendar were presented years ago, long before a single democrat from the Southern States took his seat in these Halls.

I will remark in conclusion of what I have to say that I deny the

right of any man to speak for the democracy of the South who charges them with presenting any claims that are false and fraudulent against the Government. Though not coming from that section myself, but with that spirit of unity of feeling which belongs to all men claiming to be animated by a sense of justice, I hope I may speak for the democracy of the North when I say that we stand here united for the maintenance of the Constitution, the Government, and the laws, and not influenced by any ulterior or selfish motives.

Death of Representative Hartridge.

REMARKS OF HON. B. WADLEIGH,

OF NEW HAMPSHIRE,

IN THE SENATE OF THE UNITED STATES,

Saturday, March 1, 1879,

On the following resolutions, submitted by the Senator from Georgia, [Mr. GORDON:]

Resolved, That the Senate receives with sincere regret the announcement of the death of Hon. JULIAN HARTRIDGE, late a member of the House of Representatives from the State of Georgia, and tenders to the family and kindred of the deceased the assurance of sympathy under their sad bereavement.

Resolved, That as a mark of respect for the memory of the deceased members and officers of the Senate will wear the usual badge of mourning for thirty days.

Resolved, That the Secretary be directed to transmit to the family of the deceased a copy of these resolutions.

Mr. WADLEIGH. Mr. President, in addressing the Senate on this occasion I feel an embarrassment which I can hardly express. I had no personal acquaintance with JULIAN HARTRIDGE; he was known to me only by reputation. Such knowledge illy qualifies me to speak of him in fitting terms. We acquire in familiar intercourse an insight into human character such as can be gained in no other way. How often in our experience the prejudices of half a life-time disappear in the associations we form in this Chamber. If the people of the different sections of our country could know each other as we do it would remove many common misunderstandings and tend to national unity.

But against Mr. HARTRIDGE I never entertained any prejudice. He seemed one of those men, unhappily too rarely found, whose character seems to disarm hostile criticism. All who knew him seem to agree that he was a good lawyer and a good legislator; that his great natural powers were trained and strengthened by careful education, and that beneath a reserved exterior he had that warmth of heart and those generous impulses which win and keep friends. That he had the confidence of his constituents all agree. On a recent occasion when political passion threatened to fan into destructive life the dying embers of civil war his voice and influence were thrown into the scale of peace. Feeling how much our country needs statesmen capable of rising above the demands of party when the Union and prosperity of our common country require it, I cannot but mourn over the death of one who had given promise of such patriotic liberality.

Representing as he did in part the empire State of the South he could have aided much in welding strongly to the Union that great Commonwealth and in bringing to her people that peace, that justice, and that harmony so essential to her welfare. In his death I think she has sustained a great loss.

Can we look upon the frequent invasion of these Halls by death without feelings of deep solemnity and awe? Sir, they forcibly remind us how frail a barrier separates us from that unseen world to which we are swiftly hastening and of the imperious duty which rests upon us to conscientiously perform the duties we owe to our country and our God.

MEMORIAL EXERCISES

IN HONOR OF

PROFESSOR JOSEPH HENRY,

LATE SECRETARY OF THE SMITHSONIAN INSTITUTION,

IN THE HALL OF THE HOUSE OF REPRESENTATIVES ON THURSDAY EVENING, JANUARY 16, 1879.

RESOLUTION TO PRINT.

Resolved by the House of Representatives, (the Senate concurring.) That the memorial exercises in honor of Professor HENRY, held in the Hall of the House of Representatives on the 16th of January, 1879, be printed in the CONGRESSIONAL RECORD, and that 15,000 extra copies of the same be printed in a memorial volume, together with such articles as may be furnished by the Board of Regents of the Smithsonian Institution; 7,000 copies of which shall be for the use of the House of Representatives, 3,000 for the use of the Senate, and 5,000 for the use of the Smithsonian Institution.

PUBLIC COMMEMORATION IN HONOR OF THE LATE JOSEPH HENRY.

The Board of Regents of the Smithsonian Institution, on the 17th of May, 1878, passed a resolution requesting the executive committee to make arrangements for a public commemoration in honor of the late Secretary of the Institution, of such character and at such time and place as they might determine.

The committee has now the satisfaction of announcing that in conformity with the above action the following concurrent resolution was unanimously adopted by both Houses of Congress on the 10th and 11th of December, 1878:

Resolved, That the Congress of the United States will take part in the services to be observed on Thursday evening, January 16, 1879, in honor of the memory of JOSEPH HENRY, late secretary of the Smithsonian Institution, under the auspices of the regents thereof, and for that purpose the Senators and Members will assemble on that evening in the Hall of the House of Representatives, the Vice-President of the United States, supported by the Speaker of the House, to preside on that occasion.

In accordance with the foregoing resolution, the services will be held in the Hall of the House of Representatives on Thursday, the 16th of January, 1879, at eight p. m., which the public are invited to attend.

PETER PARKER,
JOHN MACLEAN,
W. T. SHERMAN.

Executive Committee of the Board of Regents.

WASHINGTON, January 6, 1879.

SMITHSONIAN INSTITUTION, January 13, 1879.

The following will be the order of exercises in honor of the memory of JOSEPH HENRY, late secretary of the Smithsonian Institution, in the Hall of the House of Representatives, on Thursday evening, 16th January, 1879:

The Vice-President of the United States, supported by the Speaker of the House, will preside on this occasion, and the Senate and House will take part in the exercises.

1. Opening prayer, by Rev. Dr. McCosh, president of Princeton College.
2. Address by Hon. Hannibal Hamlin, of the United States Senate.
3. Address by Hon. R. E. Withers, of the United States Senate.
4. Address by Professor Asa Gray, of Harvard University.
5. Address by Professor William B. Rogers, of Boston.
6. Address by Hon. James A. Garfield, of the House of Representatives.
7. Address by Hon. S. S. Cox, of the House of Representatives.
8. Address by General W. T. Sherman.

9. Concluding prayer by Rev. Dr. Sunderland, Chaplain of the Senate.

The exercises will commence at eight o'clock precisely.

The public are invited.

By order of the executive committee.

By authority of the Speaker of the House, reserved seats will be provided on the floor of the House for the following bodies, with which Professor HENRY was associated:

1. The Regents of the Smithsonian Institution and the orators of the evening, who will meet in the Speaker's room.
2. The National Academy of Sciences.
3. The Washington Philosophical Society.
4. The Light-House Board, who will meet in the room of the Committee of Ways and Means.
5. The Alumni Association of Princeton College.
6. Trustees of the Corcoran Gallery of Art.
7. Washington Monument Association, who will meet in the room of the Committee on Appropriations.

It is necessary that all persons attending in an official capacity, and desiring seats, be in the rooms designated at 7.30 o'clock.

SPENCER F. BAIRD,
Secretary Smithsonian Institution.

THURSDAY EVENING, January 16, 1879.

In accordance with the arrangements made by order of Congress, the Senate and House of Representatives of the United States assembled in the Hall of the House, and were called to order at eight o'clock

by Hon. SAMUEL J. RANDALL, the Speaker of the House, the President with members of the Cabinet occupying front seats on the right and the Chief-Justice with associate justices of the Supreme Court corresponding seats on the left. The Speaker announced briefly the object of the meeting, and then handed the gavel to Hon. WILLIAM A. WHEELER, the Vice-President of the United States, who thereupon presided on the occasion, supported by the Speaker of the House.

PRAYER.

The VICE-PRESIDENT announced that the ceremonies would be commenced with prayer by Rev. Dr. McCosh, the president of the College of New Jersey at Princeton.

Rev. Dr. McCosh offered the following prayer:

O God, we look up and by faith we behold Thee as the Infinite and the Perfect One; almighty in power, unerring in wisdom, inflexible in justice, spotless in holiness, and with Thy tender mercies over all Thy works; our maker, our preserver, our redeemer, our sanctifier, our judge, our exceeding great reward.

We adore Thee as a spirit; and we would worship Thee in spirit and in truth. We adore Thee as light, and we would walk in that light. We adore Thee as love, and we would dwell and rejoice in that love. We bless and praise Thee as the creator of all things; and we would see and acknowledge Thee in all Thy works. All the powers of nature are Thine; light and heat and attraction are Thine; they obey Thy will, and fulfill Thy pleasure, and accomplish Thy end. Thou sayest unto them go, and they go; come, and they come; do this, and they do it.

O Lord, how manifold are Thy works; in wisdom hast Thou made them all. The earth is full of Thy riches. We bless Thee, because Thou didst make man after Thine image, taught him more than the beasts of the earth, and made him wiser than the fowls of heaven, and capable of so far knowing Thee, and believing Thee, and loving Thee. We cannot, indeed, with our finite minds comprehend Thee in Thy amplitude. Who can, by searching, find out God? Who can find out the Almighty unto perfection? But being in Thy likeness we can know Thee in part, and sufficiently to call forth our admiration and our affection; we feel the beholding of Thy glory to be the highest contemplation in which we can engage; and the more we know, we adore Thee and love Thee the more. No man indeed can find out the work which God doeth from the beginning unto the end; yet Thy intelligent creatures can behold Thy working, and understand the invisible things of God from the things that are made.

We thank Thee, Lord, for the high gifts with which Thou didst so plentifully endow Thy servant, whose services in the cause of science and humanity we meet this evening to commemorate. We praise Thee because Thou didst put wisdom into his inward parts, and give understanding to his heart, so that he applied himself to seek out and to reach knowledge and the reasons of things. We bless Thee because he was enabled to throw light on that which God doeth, on those things which are forever, and those things to which no man can add and from which no one can take away.

We exalt Thee because mankind have been able to take advantage of the discoveries of the departed in order to make knowledge to pass to and fro all over the earth, and to add to the intelligence, the wealth, and the comfort of Thy creatures. We pray Thee to raise up other great and good men who, in like spirit, will carry on the work in which he was so honorably engaged.

We pray for his widow and for his family, whom he so loved; that the prayer he offered for them when on earth may return in the richest blessings from heaven and from earth upon their heads and upon their hearts.

We thank Thee, Lord, because Thou didst bestow on him not only

gifts, but graces, faith, and humility, and integrity, and love. We rejoice that we can this day contemplate so pleasantly his character; that we can cherish the remembrance of him as of a man of high aims and lofty purpose, devoting his life to the cause of science and to the glory of God and the good of mankind.

We bless Thee for that faith in Christ which supported him in life, and for that hope that cheered him in death, and that we can believe that he is still occupied in Thy service, and that now, in a clearer light, he is doing nobler work than he performed on earth.

We rejoice this day because by his profession and by his consistent walk and conversation he gave such evidence that he was truly a follower of Christ and led by the sanctifying spirit. May we all be enabled to follow his good example, trusting like him in Thee, and giving praise to Father, Son, and Holy Ghost: Amen.

ADDRESS OF HON. HANNIBAL HAMLIN.

The VICE-PRESIDENT. The first address in the order of exercises was to have been delivered by Hon. HANNIBAL HAMLIN, a Senator from Maine, and a Regent of the Smithsonian Institution. Mr. HAMLIN having been appointed one of the committee on the part of the Senate to attend the remains of the late Gustave Schleicher, late a member of the House of Representatives, before leaving requested that I should read the remarks which he would have submitted in person if present; which the Chair will now proceed to do.

History teaches us that in every age and country of the civilized world homage has been paid by the living to the illustrious dead. In all time art has been invoked to preserve the form and features of the great and the good. Monuments of bronze, of marble, and of granite have been erected and dedicated to their memory. In the wisdom of this the judgment of mankind has concurred. It is a custom honored in the observance.

The learned and incorruptible judge, with a mind stored with legal knowledge, who dispenses justice with an even balance, alike to the elevated and the lowly, the rich and the poor; the heroic and able commander of armies, who has contributed largely in founding or preserving the institutions of his country; and the statesman and the executive officer who respectively frame and execute the laws of the nation, so that "the greatest good to the greatest number" shall be promoted and the individual rights of every citizen, however humble, shall be fully protected, are all, whether living or dead, entitled to the homage of their countrymen. But he who like Professor HENRY, through a long life of unwearying labor and research, has drawn from science her hidden treasures; has enlarged the dominion of mind over matter, and made the forces of nature contribute to the welfare and comfort of man—whose genius originated the great idea that in its perfection has put a girdle of communication around the earth, which acts with the speed of thought and brings distant parts of the world into instant intercourse; who by "the diffusion of knowledge among men" has assisted in raising the world to a higher plane and given a broader value to thought, knowledge, and action; who has made it wiser and better that he lived, is entitled to the honor and undissembled homage of mankind.

The usefulness and distinguished achievements of Professor HENRY are limited by no national boundaries, but are co-extensive with civilization itself; and his name will be perpetuated and remembered wherever science is cultivated or knowledge is cherished. We pause then, as we are borne along by the tide and onward current of human life, to pay a just and fitting tribute to the eminent life, character, and services of Professor HENRY; and we can but be reminded of the marked parallel which he furnishes in many respects to the distinguished philosophers of the early republics.

But of his triumphs and distinction in science, specifically, it is not within my province to speak: that duty will be most successfully discharged by the learned gentlemen who are to follow me.

It was my fortune to have been officially connected with others in framing and enacting the organic law which created the Smithsonian Institution. Thus I became early acquainted with Professor HENRY, and in a long intercourse of years from then until the time of his decease, it is indeed a pleasant memory that no word, or thought, or deed ever marred the harmony of that association. To Professor HENRY must be awarded the credit for what has been done by the Smithsonian Institution in science and the "diffusion of knowledge among men." It was his mind that conceived the plan best calculated to accomplish the object designed by Mr. Smithson, and steadily, with a zeal that never faltered, with persistent toil that hardly knew a limit, he pressed on in his noble work until the Institution under his inspirations stands to-day recognized and acknowledged as among the first of a like character in the world. There were times when a change was sought and earnestly urged in the scope, mode, and manner in which the Institution should be conducted. But the wiser plans and wiser counsels of Professor HENRY prevailed, and it is safe to say that now no ruthless hand would substantially change them. The test of time has fully established and vindicated his wisdom.

Professor HENRY was distinguished in an eminent degree for his dignity of character and rare modesty. To those who knew him well and intimately he was always unassuming, speaking never of himself or of his great achievements. He appeared in his possession and dissemination of knowledge, as Newton said of himself, like a child

upon the sea-shore, picking here and there a grain of sand, while a vast and unexplored ocean was before him.

Though gifted with knowledge vast, varied, and profound, he exemplified and illustrated the maxim of the poet:

Of their own merits modest men are dumb.

His dignity and modesty were unerring marks of his intellectual greatness, and adorned his wealth of science and learning. Eminent and distinguished as was Professor HENRY to all familiar with and who knew the administration of the Smithsonian Institution in all its parts, he was no less great for the rare ability with which he cared for and managed its finances. Here, too, as in all else, he was modest and without pretension, but firm and unflinching in the policy which he pursued, and which was crowned with such prominent success. He was learned in the science of finance, and his knowledge and opinions on important occasions were sought and adopted by others. But in the administration of the funds of the Institution his financial theory, in practice, was reduced to two simple rules from which volumes of useful instruction may be drawn, and if wisely followed, how much of what are called the misfortunes of the world would be averted. Indeed an approximate adherence to his rules, and the financial world would hardly have been darkened by the floods of such light as has been deluged upon it.

Pay as you go.
Spend less than your income.

These were the two rules that he laid down for his course of action, and he followed them without a single departure. There were times of pressing necessity and great desirability of extending the fields already occupied and seeking new ones by the Institution. But Professor HENRY still held to his rules with an iron hand and a Spartan will. The end again illustrates his wisdom. A condensed statement of the Smithsonian fund at the end of Professor HENRY's administration, as its secretary shows, is as follows:

The amount originally received as the bequest of James Smithson, of England, deposited in the Treasury of the United States in accordance with the act of Congress of August 10, 1846, was.....	\$515,169 00
The residuary legacy of Smithson, received in 1865, deposited in the Treasury of the United States in accordance with the act of Congress of February 8, 1867.....	26,210 63
Total bequest of Smithson.....	541,379 63
Amount deposited in the Treasury of the United States as authorized by act of Congress of February 8, 1867, derived from savings of income and increase in value of investments.....	108,620 37
Amount received as the bequest of James Hamilton, of Carlisle, Pennsylvania, February 24, 1874.....	1,000 00
Total permanent Smithsonian fund in the Treasury of the United States bearing interest at 6 per cent., payable semi-annually in gold.....	651,000 00
To that sum should be added as the present value of State stocks held by the Institution.....	35,000 00
Making a total fund of.....	686,000 00
In addition to the above, the Institution has:	
Cash on hand for current operations.....	25,000 00
Value of building and furniture, cost.....	500,000 00
Value of library.....	200,000 00
Stock on hand of its own publications, including twenty-one quartos and fifteen octavos, wood-cuts, and plates.....	50,000 00
Philosophical apparatus.....	5,000 00
Works of art.....	2,000 00
Total.....	1,468,000 00

All this has been accomplished from the earnings of the funds, including the Smithsonian building, which adorns and beautifies the city.

The foregoing statement shows a fund and property of the Institution of nearly one and a half millions of dollars in gold, or, to analyze a little, a fund of six hundred and fifty-one thousand dollars at an interest of six per cent. per annum for the yearly operations of the Institution. This is noticeable particularly in the fact that the fund has increased by nearly one hundred and fifty thousand dollars over and above the sum bequeathed by Mr. Smithson. The other property of the Institution in value, as has been stated, is nearly seven hundred thousand dollars. Such is the correct statement of the fund and financial condition of the Smithsonian Institution at the decease of Professor HENRY. For him how proud the record, and for the future usefulness of the Institution how grand the prospect! With this flattering condition of its finances, the Institution may widen its present and enter new fields to seek for additional knowledge to be diffused among men, while Professor HENRY, its world-distinguished secretary, shall be remembered away in the stillness of ages as one of the most learned men of his time and a benefactor of mankind.

ADDRESS OF HON. R. E. WITHERS.

The VICE-PRESIDENT. The next address in order is that of Hon. R. E. WITHERS, of the United States Senate, a member of the Board of Regents of the Smithsonian Institution.

Mr. WITHERS. This thronging Hall, this august assemblage, this imposing pageant are suggestive and significant to a degree that anticipates and almost consummates the duty of the hour.

The death of the soldier, the patriot, or the statesman who has won glory, honor, or distinction in the public service, has usually been made the occasion of impressive memorial ceremonial; for as different as nations are in many other respects, they all agree in this gratitude

for distinguished services, and reverence for the mighty dead. This is a feeling peculiar to no era or country—it is common to all mankind—whether civilized or savage, barbarous or refined. The rude tumuli of the savage, the magnificent mansolea of the East, and the marble monuments of the West, alike point to where sleep the ashes of the warrior, the patriot, and the sage whose services have endeared them to their countrymen and whose deeds have rendered their nation illustrious.

I see around me, congregated in this the capital of a great nation, its highest functionaries in the executive, legislative, and judicial departments of government, distinguished diplomatic representatives of almost every civilized people, the chief dignitaries of church and state, men most renowned in peace and in war, those most honored in the world of science, of literature, and of art, convened to do homage to the memory of one whose brow was decked neither with the laurel wreath of the conqueror nor the civic crown of the statesman. He chose rather to dedicate his powers to the pursuits of science, to the investigation of those abstruse and occult problems which baffle the efforts of scientists, hoping thus perchance to add to the stores of human knowledge and the happiness of human life. Surely, mankind are not mere followers of fame nor blind worshipers of Mammon, but are prompt to recognize true greatness wherever found.

When James Smithson's munificent donation to the cause of knowledge was heralded to the world, scientists and *literati* differed widely in their views of the proper method of carrying into effect the wishes of the donor and of utilizing the bequest. Many were the suggestions and varied the projects which were successively proposed, considered, and rejected. Steadily adhering to his own far-seeing convictions, Professor HENRY finally secured such legislation as was necessary to consummate with literal exactitude the wishes of the generous donor, and from that hour the Smithsonian Institution has been dedicated to its great work, "the increase and diffusion of knowledge among men." Himself arranging all the details whereby these results could be most surely attained, the work of original investigation has under his guidance gone steadily forward, until to-day the name and fame of the Smithsonian Institution and its late secretary are known and appreciated among the nations of the earth, wherever knowledge has found a votary or science an abiding place. The system is unique, for neither in the Old World nor the New is its counterpart to be found, and I may safely say that its achievements are as widely known and valued in other continents as in this. Time will not suffice to enumerate the varied and useful results which have been thus attained; but we know, and the world knows, that to the sagacity, industry, and administrative ability of JOSEPH HENRY is alone due the credit of this great success. Unwilling to lessen the interest or mar the beauty of the biographical sketch to which you will soon listen, the preparation of which has been delegated to the able hands of one who knew him long and intimately, I forbear to do more than briefly glance at some of the salient points of Professor HENRY's character and services.

To speak of him as he was is to praise him; to describe his daily walk and conversation as he lived, moved, and had his being is his highest eulogy. He was not a genius. The characteristics of his mind are typified rather by the steady illumination of the well-trimmed lamp than by the scintillations of those brilliant pyrotechnics which for a while dazzle, startle, and amaze, but suddenly expire in the blackness of darkness forever. Simplicity, purity, and earnestness were his chief characteristics; guileless and unaffected as a child he was wise with more than worldly wisdom. Genius may be admired as the mountain torrent or the lightning's flash for its force and brilliancy, but a higher homage is due to morality and virtue, which should guide the strength of the one and the splendor of the other to beneficent results.

That "knowledge is power" has been accepted as an aphorism, but it is a power for good or for evil; it becomes a blessing or a curse as it is well or ill used. It is a treasure above all price when consecrated to the cause of morality and virtue, but an inexhaustible fountain of woe when wedded to immorality and vice.

If these things be true, then may we confidently point to him as an example calculated to inspire a deeper reverence for the majesty of virtue in public and in private life, and as furnishing a higher incentive to virtuous deeds of emulation in his countrymen.

He acted on the principle that no success in life, whether measured by wealth or fame, could compensate for the loss of that calm sunshine of conscious integrity and that deserved praise so surely awarded a life of usefulness and beneficence.

Viewing the mere acquisition of wealth with philosophic indifference, he was, nevertheless, as a financier a model of sagacity. The full and satisfactory detail to which you have just listened of the principles which guided and the success which attended his administration of the funds intrusted to his management will abundantly verify this assertion.

In his own affairs, however, he exhibited an indifference to gain which was by many regarded as almost inexcusable. Consecrated to the cause of science, he freely and unselfishly gave to mankind the results of all his discoveries. When with untiring assiduity he had traced to its matrix the germ of a useful idea, and became satisfied that he had brought to light a principle destined to benefit his fellow-man, he left to others the task of applying this principle and reaping the pecuniary recompense, while he, again returning to the domain of original research, boldly invaded the very penetralia of nature's

laboratory in quest of further knowledge. This trait of his character is strikingly illustrated in the history of the electric telegraph, for to him is the world indebted for the discovery of the principle from which has been developed by the labors of others such wondrous results. In these results, with their accompanying emoluments, he had no share, nor ever seemed to regard them as of the slightest moment.

Though thus devoted to scientific pursuits and standing second to none in the expansive breadth of his inquiries or the acuteness of his analytical investigations, Professor HENRY belonged not to the class of ultra-scientists, whose sharpened faculties forbid the recognition of a first great cause and whose boasted reason seems to accept the simple story of the Cross.

The uniform tenor of a long life, the unsullied purity of his character, the uniform practice of all the Christian virtues, the regular attendance upon the Christian ministry, and the testimony he left us in his dying hour, all attest that for him faith had bridged the dark gulf which separates the seen from the unseen and led him safely through the gates into the eternal city whose builder and temple is God.

ADDRESS OF PROFESSOR ASA GRAY.

The VICE-PRESIDENT. An address will now be delivered by Professor ASA GRAY, of Harvard University.

Professor ASA GRAY delivered the following address:

The Regents of the Smithsonian Institution, on the day following the obsequies of their late secretary, resolved to place upon record, by the hands of their committee, a memorial of their lamented associate. The time has arrived when this should be done, now that the institution enters upon another official year, and its bereavement is brought freshly to mind.

Although time may have assuaged our sorrow—as time will do—and although the recollection that a well-spent life was well appreciated and not prematurely closed should temper regret, yet they have not dulled our sense of loss, nor lessened our estimate of the signal services to science, to this institution, and to the general good which remarkable gifts and a devoted spirit enabled this man to render.

If we would fit this memorial to the subject of it, we must keep in mind Professor HENRY's complete and transparent, but dignified, simplicity and modesty of character, in which a delicate sense of justice went along with extreme dislike of exaggeration, and aversion to all that savored of laudation.

Yet it is not for ourselves, his associates—some of few, some of many years—that this record is made; nor need we speak for that larger circle of his associates, the men of science in our land, who will, in their several organizations, recount the scientific achievements of their late leader and bestor.

And nothing that we can say will enhance the sentiments of respect, veneration, and trust with which he was regarded here, in Washington, by all who knew him, whether of high or humble station. Even those, here or elsewhere, who came only into occasional intercourse with him, will remember that thoughtful and benignant face. Certainly it will be remembered by those who, in that recourse to him, which it was always easy to gain, have seen the mild seriousness of a somewhat abstracted and grave mien change into a winning smile, sure precursor of pleasant words, cheerful attention, and, if need were, wise counsel and cordial help.

But we are all passing, as he has passed, and the tribute to his memory which it is our privilege to pay, is a duty to those who are to come after us.

JOSEPH HENRY was of Scotch descent. His grandparents, paternal and maternal, landed at New York from the same vessel on the day before the battle of Bunker Hill. The Henrys settled in Delaware County, the Alexanders in Saratoga County, New York. Of his father, William Henry, little is known. He died when his oldest son, Joseph, was eight or nine years old. His mother lived to a good age. He was born at Albany very near the close of the last century.* His boyhood was mostly passed with his maternal grandmother in the country at Galway. His early education was such as a country common school would furnish to a lad of inquisitive mind but no aptness for study. The fondness for reading came early, but in a surreptitious way.

One day, in the pursuit of a pet rabbit, he penetrated through an opening in the foundation-wall of the village meeting-house. A glimmer of light enticed him through the broken floor into a room above, in which an open book-case contained the village library. He took down a book—Brooks's *Fool of Quality*—was soon absorbed in the perusal, returned again and again to this, which he said was the first book he ever opened voluntarily, and to all the works of fiction which the library contained. Access in the regular way was soon granted to him.

The lad at this time was a clerk, or office-boy, in the store of a Mr. Broderick. He returned to Albany at the age of fourteen or fifteen. We may count it as a part of his education that he there served a brief apprenticeship to a silversmith, in which he acquired the manual dexterity which was afterward so useful to him. Opportunely perhaps, the silversmith soon failed in business, and young HENRY was thrown out of employment. His powers were now developing, but

* The date, December 17, 1797, given in the American Cyclopedias, appears to be wrong; was perhaps misprinted. There is little doubt that he was born in December, 1799.

not in the line they were soon to take. To romance reading was now joined a fondness for the theater. Not content with seeing all the plays he could, he found his way behind the scenes, and learned the methods of producing stage effects. He joined a juvenile forensic and theatrical society, called the Rostrum, and soon distinguished himself in it by his ingenuity in stage arrangements. He was made president, and having nothing else to do at the time, he gave his whole attention to the Rostrum. He dramatized a tale, wrote a comedy, and took a part in its representation. Handsome in form and features, and of prepossessing address, our future philosopher was in a fair way to become an actor, perhaps a distinguished one.

But now a slight illness confined him for a few days to his mother's house. To while away the hours he took up a small book which a Scotchman, who then occupied a room in the house, had left upon his mother's table. It was *Lectures on Experimental Philosophy, Astronomy, and Chemistry*; intended chiefly for the use of young persons, by G. Gregory, an English clergyman. It is an unpretending volume, but a sensible one. It begins by asking three or four questions, such as these:

You throw a stone, or shoot an arrow into the air; why does it not go forward in the line or direction that you give it? Why does it stop at a certain distance, and then return to you? * * * On the contrary, why does flame or smoke always mount upward, though no force is used to send them in that direction? And why should not the flame of a candle drop toward the floor when you reverse it, or hold it downward, instead of turning up and ascending into the air? * * * Again, you look into a clear well of water and see your own face and figure, as if painted there. Why is this? You are told that it is done by reflection of light. But what is reflection of light?

Struck by these apt questions and allured by the explanations, young Henry's mind took in a sense of what knowledge was. The door to knowledge opened to him, that door which it thence became the passion of his life to open wider. Thenceforth truth charmed him more than fiction. At the next meeting of his dramatic association he resigned the office of president and took his leave in a valedictory address, in which he told his comrades that he should now propose to play his part on another stage, with nobler and more impressive scenes. The volume itself is preserved in Professor Henry's library. On a fly-leaf is the following entry:

This book, although by no means a profound work, has, under Providence, exerted a remarkable influence upon my life. It accidentally fell into my hands when I was about sixteen years old, and was the first work I ever read with attention. It opened to me a new world of thought and enjoyment; invested things before almost unnoticed with the highest interest; fixed my mind on the study of nature, and caused me to resolve at the time of reading it that I would immediately commence to devote my life to the acquisition of knowledge.

The pursuit of elementary knowledge under difficulties and privations now commenced. At first he attended a night-school, where he soon learned all the master could teach. At length he entered Albany Academy, earning the means at one time by teaching a country district-school, later by serving as tutor to the sons of the Patroon. Then he took direction of a road survey across the northern border of the State, from West Point to Lake Erie, earning a little money and much credit. He returned to Albany Academy as an assistant teacher, but was very soon, in 1825, appointed professor of mathematics. He had already chosen his field, and begun to make physical investigations.

It is worth noticing that just when HENRY's youthful resolution to devote his life to the acquisition of knowledge was ready to bear fruit another resolve was made in England by another scientific investigator, James Smithson, in his will, executed in October, 1828, wherein he devoted his patrimony "to found at Washington an establishment for the increase and diffusion of knowledge among men." Who could have thought that the poor lad, who resolved to seek for knowledge as for hid treasure, and the rich man of noble lineage, who resolved that his treasure should increase and diffuse knowledge, would ever stand in this interesting relation; that the one would direct and shape the establishment which the other willed to be founded!

The young professor's position was an honorable one, but most laborious. Although Albany Academy was said by the distinguished president of Union College in those days to be "a college in disguise," it began its work low down. Its new professor of mathematics had to teach seven hours of every day, and for half of this time to drudge with a large class of boys in the elements of arithmetic. But he somehow found time to carry on systematically the electro-magnetic researches which he had already begun. In the very year of his appointment, 1828, he described in the transactions of the Albany Institute a new application of the galvanic multiplier; and throughout that year and the next he carried on those investigations which, when published at the beginning of the ensuing year, January, 1831, in that notable first paper in the *American Journal of Science and the Arts*, at once brought HENRY's name to the front line among the discoverers in electro-magnetism.

Sturgeon may be said to have first made an electro-magnet; HENRY undoubtedly made the electro-magnet what it is. Just after Barlow in England had declared that there could be no electric telegraph to a long distance, HENRY discovered that there could be, how and why it could be; declared publicly its practicability, and illustrated it experimentally by setting up a telegraph with such length of wire as he could conveniently command, delivering signals at a distance by the sounding of a bell.

"Previously to (his) investigations the means of developing magnetism in soft iron were imperfectly understood, (even though the law

from which they are now seen to flow had been mathematically worked out by Oliver,) and the electro-magnet which then existed was inapplicable the transmission of power to a distance." HENRY first rendered it applicable to the transmission of mechanical power to a distance; was the first actually to magnetize a piece of iron at a distance, and by it to deliver telegraphic signals. He showed what kind of battery must be employed to project the current through a great length of wire, and what kind of coil should surround the magnet used to receive this current and to do the work.*

[The proof of those statements and the chief points of the earlier history of electro-magnetism we append in notes.]

For the telegraph, and for electro-magnetic machines, what was now wanted was not discovery, but invention, not the ascertainment of principles, but the devising of methods. These, the proper subjects of patent, have been supplied in various ways and, as to the telegraph, with wonderful efficiency; in Europe, by the transmission of signs through the motion of a magnetic needle; in America, by the production of sounds or records by the electro-magnet. Morse was the first to undertake the enterprise and to carry the latter mode into practical and most successful execution.

If HENRY had patented his discovery, as he was urged, but declined to do, Morse could have patented only his alphabetical mode of signaling, and perhaps the use of relay-batteries.

The scientific as well as popular effect of Professor HENRY's first paper in *Silliman's Journal* was immediate and great. With the same battery that Sturgeon used he developed at least a hundred times more magnetism; the instantaneous production of magnets lifting four hundred and twenty times their own weight; of those which with less than a pint of dilute acid acting on two hands' breadth of zinc would lift seven hundred and fifty pounds, and this afterward carried up to a magnet lifting thirty-three hundred pounds, was simply astonishing. Yet it was not these extraordinary results nor their mechanical applications which engaged Professor HENRY's attention so much as the prospect they opened of a way by which to ascend to higher discovery of the laws of nature. In other hands, his discoveries furnished the means by which diamagnetism, magnetic effects on polarized light, and magneto-electricity—now playing so conspicuous a part—soon came to be known. In his own hands, the immediate discovery of the induction of a current in a long wire on itself† led the way to his next fertile field of inquiry, and caused unwise tardiness in the announcement of what he had already done; for it is within our knowledge that the publication of the paper which initiated his fame had been urged for months by scientific friends, and at length was hastened by the announcement of some partly similar results reached in a different way by Moll, of Utrecht. In a letter not long afterward written to one of us, Professor HENRY had occasion to remark of himself: "My whole ambition is to establish for myself and to deserve the reputation of a man of science." Yet throughout his life ardor for discovery and pure love of knowledge were unattained by corresponding eagerness for publication. At the close of that very year, 1832, however, he did announce the drawing of a spark from a magnet, that first fact in magneto-electricity, and as he supposed a new one. But he had been anticipated.

In May, 1830, Professor HENRY married his cousin, Harriet L. Alexander, of Schenectady, who, with three daughters, survives. Two earlier children died in infancy and a son in early manhood.

Pleasant in most respects as the situation at Albany was, it was not an unwelcome invitation which, in the summer of 1832, it became the duty and the privilege of the most venerable of our number, then vice-president of the college of New Jersey, to give to Professor HENRY, offering him the chair of Natural Philosophy at Princeton. By this early call that college secured him for her own during the years most prolific for science. It was on a later occasion that Sir David Brewster wrote: "The mantle of Franklin has fallen upon the shoulders of HENRY." But the aureole was already visible to his fellow-workers in science; and Silliman, Renwick, and Torrey urged his acceptance of the new position, and congratulated Princeton upon the acquisition.

The professorship came to him unsought. In his last address to one of the learned societies over which he presided Professor HENRY mentions that the various offices of honor and responsibility which he then held, nine in number, had all been pressed upon him; that he never occupied a position for which he had of his own will and action been made a candidate. It did not occur to him at that moment to make one exception. When a pupil in Albany Academy he once offered himself as a teacher of a country district school. The school trustees thought him too young, but took him on trial at \$8 a month. At the beginning of the second month they raised his pay to fifteen.

At Princeton Professor HENRY found congenial companions and duties well suited to his powers. Here he taught and investigated for fourteen fruitful and happy years; here his surviving children were born; here he professed the faith that was in him, entering into the communion of the Presbyterian Church, in which he and his ancestors were nurtured; here he developed what might not have been expected—a genius for education. One could count on his being a clear expositor, and his gifts for experimental illustration and for devising apparatus had been already shown. But now, as a college

* See letter of Professor Henry to President Maclean, June, 1832.

† Announced in *American Journal of Science and the Arts* in 1832.

professor, the question how to educate came before him in a broader way. He appreciated, and he made his associates and pupils appreciate, the excellence of natural philosophy for mental discipline, for training at once both the observing and the reasoning faculties. A science which rises from the observation of the most familiar facts, and the questioning of these by experiment, to the consideration of causes, the ascertaining of laws, and to the most recondite conceptions respecting the constitution of matter and the interplay of forces, offers discipline to all the intellectual powers and tasks the highest of them. Professor Henry taught not only the elementary facts and general principles from a fresh survey of both, but also the methods of philosophical investigation and the steps by which the highest generalizations and the seemingly intangible conceptions of the higher physics have been securely reached. He exercised his pupils in deducing particular results from admitted laws, and in then ascertaining whether what was thus deduced actually occurred in nature, and if not, why not. Though very few of a college class might ever afterward undertake a physical or chemical investigation, all would or should be concerned in the acquisition of truth and its relations; and by knowing how truth was won and knowledge advanced in one field of inquiry, they would gain the aptitude which any real investigation may give, the confidence that springs from a clear view and a sure grasp of any one subject.

He understood, as few do, the importance of analogy and hypothesis in science. Premising that hypothesis should always be founded on real analogies and used interrogatively, he commended it as the prerequisite to experiment, and the instrument by which, in the hands of sound philosophers, most discoveries have been made. This free use of hypothesis as the servant and *avant courier* of research—as means rather than end—is a characteristic of HENRY. His ideas on the subject are somewhat fully and characteristically expounded by himself in his last presidential address to the Philosophical Society of Washington—one which he evidently felt would be the last.

How HENRY was valued, honored, revered at Princeton, the memorial published by his former associates there feelingly declares. What he did there for science in those fourteen years would be long to tell and difficult to make clear without entering into details, here out of place. Happily the work has been done to our hand by the Professor himself, several years ago, in a communication which is printed in the index volume of the Princeton Review, and reprinted in the Princeton memorial. This careful and conscientious, though cursory, analysis of the principal researches of that period we propose to append to this record. There is also in preparation, by a competent scientific hand, a detailed list of all Professor HENRY's contributions to science, which we desire likewise to append.

One of these, of the Princeton period, ought to be mentioned. It is upon the origin of mechanical power and its relations to vital force. It is a characteristic example of Professor HENRY's happy mode of treating a scientific topic in an untechnical way. It also illustrates his habit of simply announcing original ideas without putting them prominently forward in publication, as any one who was thinking of himself and of his own fame would be sure to do. The doctrine he announced was communicated to the American Philosophical Society in 1844, in brief outlines. He developed it further in an article published in the Patent Office Report for 1856, twelve years later, a medium of publication which was naturally overlooked. Only at a friend's desire was the paper reproduced, in 1860, in the American Journal of Science, where it would be noticed. The attention of Professor HENRY was turned to the topic (as we happen to know) by an abstract which was given to him of Dumas's celebrated lecture, in 1841, on the Chemical Statics of Organized Beings. If he had published in 1844, with some fullness, as he then brought them out, his conception and his attractive illustrations of the sources, transformation, and equivalence of mechanical power, and given them fitting publicity, HENRY's name would have been prominent among the pioneers and founders of the modern doctrine of the conservation of energy.

In the year 1837 Professor HENRY first visited Europe, and came into personal communication with the principal men of science of England, Scotland, and France. One of us had the pleasure, a few years afterward, of hearing Faraday speak of HENRY in terms of hearty regard and admiration. The two men were in some respects alike, wholly alike in genuine simplicity of character and in disinterested devotion to scientific discovery. They were then rival investigators in the same line; and the race for a time was not unequal, considering how HENRY was weighted with onerous professional work. For Faraday, while that most acute mind retained its powers, there was the congenial life of pure research, undistracted by cares of administration or of instruction beyond a few popular lectures; supplied with every means of investigation; stimulated by the presence or proximity of many fellow-workers; rewarded by discovery after discovery, and not unconscious of the world's applause—such was the enviable life of the natural philosopher favorably placed. But in this country, where fit laborers are few, duty rather than inclination must determine their work. Midway in his course Professor HENRY was called to exchange a position which allowed the giving of considerable undisturbed time to original researches, for one of greater prominence, in which they had practically to be abandoned. Not, indeed, that this was assuredly expected, but it was contemplated as probable. And the event justified the apprehension, while it opened other fields of not inferior usefulness.

In August, 1846, the act of Congress establishing the Smithsonian

Institution was passed and approved. On the 7th of September ensuing the Regents held their first meeting. On the 3d of December proximo they resolved:

That it is essential for the advancement of the proper interests of the trust that the Secretary of the Smithsonian Institution be a man possessing weight of character and a high grade of talent; and that it is further desirable that he possess eminent scientific and general acquirements; that he be a man capable of advancing science and promoting letters by original research and effort, well qualified to act as a respected channel of communication between the Institution and scientific and literary individuals and societies in this and foreign countries; and, in a word, a man worthy to represent before the world of science and letters the Institution over which this board presides.

Immediately following the adoption of this resolution, Professor JOSEPH HENRY, of Princeton, was elected secretary. On the 14th of December a letter was read from him signifying his acceptance. At the meeting a week later, he appeared and entered upon the duties of his office. From this time the biography of Professor HENRY is the history of the Institution. That history is set forth in the Secretary's annual reports, presented by the Board of Regents to Congress, and it need not be recapitulated. A few words may give some idea of the deep impression he made upon the Institution while it was yet plastic.

Some time before his appointment he had been requested by members of the Board of Regents to study the will of Smithson, and to suggest a plan of organization by which the object of the bequest might, in his opinion, best be realized. He did so, and the plan he drew was in their hands when he was chosen Secretary. As he himself summed it up, the plan was based on the conviction "that the intention of the donor was to advance science by original research and publication; that the establishment was for the benefit of mankind generally, and that all unnecessary expenditures on local objects would be violations of the trust." The plan proposed was, in the leading feature, "to assist men of science in making original researches, to publish them in a series of volumes, and to give a copy of these to every first-class library on the face of the earth."

His "plan of organization," filled out in its details and adjusted to the conditions prescribed by the law and by the action of the Regents, was submitted to the board in the following year, was adopted as its "governing policy," and it has been reprinted, in full or in part, in almost every annual report. All would understand, therefore, that Professor HENRY's views were approved, and that they would be carried into effect as far and as fast as they commended themselves to the judgment of the Regents, and as opportunity made them practicable.

If the Institution is now known and praised throughout the world of science and letters, if it is fulfilling the will of its founder and the reasonable expectations of the nation which accepted and established the trust, the credit is mainly due to the practical wisdom, the catholic spirit, and the indomitable perseverance of its first secretary, to whom the establishing act gave much power of shaping ends which, as rough-hewn by Congress, were susceptible of various diversion. For Congress, in launching, did not shape the course of the Institution, except in a general way. And in intrusting its guidance to the Regents the law created only one salaried and permanent officer, the Secretary, on whom, by its terms and by the conditions of the case, it devolved great responsibility and commensurate influence. Some of us are old enough to remember the extreme diversity of opinion in Congress over the use to be made of Smithson's legacy. One party, headed by an eminent statesman and ex-president, endeavored to found with it an astronomical observatory, for which surely the country need not be indebted to a foreigner. A larger party strove to secure it for a library; not, probably, because they deemed that use most relevant to the founder's intention, but because rival schemes might fritter away the noble bequest in popular lecturing, itinerant or stationary, of which the supply and the quality are in this country equal to the demand, or in the dissemination of elementary knowledge by the printing-press, as if that were beyond the reach of private enterprise, or in setting up one more college, university, or other educational establishment on half an endowment, or in duplicating museums and cabinets, which, when supported by a fixed endowment, necessarily soon reach the statical condition in which all the income is absorbed in simply taking care of what has been accumulated.

Congress rejected, one after the other, the schemes for making of the Institution an observatory, a library, a normal school, and a lecturing establishment, with professors at Washington. It created a Board of Regents, charged it with the care of the collections and museums belonging to the United States, authorized the expenditure, if the Regents saw fit, of a sum not exceeding \$25,000 annually for the formation of a library; and in all else it directed them to make such disposal of the income "as they shall deem best suited for the promotion of the purpose of the testator."

Under this charter, and with the course of the institution still to be marked out, it is not surprising that the official adviser and executive of the board should look to the will of Smithson for the controlling interpretation of the law. He knew, moreover, that in an earlier will Smithson had bequeathed his fortune to the Royal Society of London, an institution expressly for the furtherance of scientific research; and that he changed, as we may say, the trusteeship for a purely personal reason. HENRY took his stand on the broad and simple terms of the bequest, "for the increase and diffusion of knowledge among men." And he never—

Narrowed his mind,
And to locality gave what was meant for mankind.

He proposed only one restriction, of obvious wisdom and necessity, that, in view of the limited means of the Institution, it ought not to undertake anything which could be done, and well done, by other existing instrumentalities. So, as occasion arose, he lightened its load and saved its energies by giving over to other agencies some of its cherished work—meteorology, for instance, in which a most popular bureau now usefully expends many times more than the whole Smithsonian income.

He has in these last years signified his desire to go still further in this direction, and to have the Institution relieved from the charge of the National Museum, now of imperial dimensions and importance. His reasons were summed up in few words in his last report, along with his synopsis of the appropriate functions of the Institution, which he prays may not be merged in or overshadowed by any establishment of the Government, but may stand "free to the unobstructed observation of the whole world, keeping in perpetual remembrance the will of its founder." Its true functions he declares are:

First. To enlarge the bounds of human thought by assisting men of science to make original investigations in all branches of knowledge; to publish these, and to present copies to all the principal libraries of the world. Second. To institute investigations in various branches of science, and explorations for the collection of specimens in natural history and ethnology, to be distributed to museums and other establishments. Third. To diffuse knowledge by carrying on an extended international series of exchanges by which the accounts of all the original researches in science, the educational progress, and the general advance of civilization in the New World are exchanged for similar works of the Old World.

The plan which our late secretary originated has commended itself to the judgment of successive Boards of Regents, and, we may be permitted to add, is now approved wherever it is known and understood.

Professor HENRY took his full share of the various honorable duties to which such men are called. He was in his turn president of the American Association for the Advancement of Science, in the year 1849; of the Society for the Advancement of Education, in 1855; a trustee of Princeton College, and of Columbian University, also of the Corcoran Gallery of Art, in which the Smithsonian Institution deposits its art collections; visitor of the Government Hospital for the Insane; president of the Philosophical Society of Washington; president of the National Academy of Sciences at Washington. For many years a member of the Light-House Board, to which he gave gratuitous and invaluable service as chairman of its committee on experiments, he added for the last seven years the chairmanship of the board itself, in his administration no sinecure. Advice and investigation were sought from him, from time to time, by every department of Government. All were sure that his advice was never biased by personal interest, and his sound judgment, supported by spotless character, was greatly deferred to.

We have said that in coming to Washington a career of investigation was exchanged for a life of administration. It should rather be said that his investigations thereafter took a directly practical turn, as they were brought to bear upon difficult questions of immediate importance which were referred to him by Government or came in the course of official duty. In the light-house service alone his timely experiments upon lard-oil lighting, and the firmness with which he pressed his conclusions into practice, when sperm-oil became dear, has already saved more than a million of dollars; the adaptation of mineral oil to the lesser lights is another great saving; and the results reached by his recent investigations of the conditions which influence the transmission of sound and their application to acoustical signaling are not to be valued by the saving of money only.

It was in the prosecution of these last investigations, over a year ago, and probably in consequence of exposure in them, at the light-house station on Staten Island, that an intimation of the approaching end of these labors was received. Yet a few months more of useful life were vouchsafed to him, not free from suffering, but blessed with an unclouded mind and borne with a serene spirit, until at midday on the 13th of May last the scene was closed.

At the sepulture of his remains on the 16th and afterward, it was generally remarked at Washington that never before had the funeral of a private citizen called forth such sense of loss, such profound demonstrations of respect and affection.

It is not for us to assign Professor HENRY's place among the men of science of our time. Those who do this will probably note that his American predecessors were Franklin and Rumford; that all three were what we call self-made men; that all three, after having proved their talents for original investigation in physics, were called in their mature years to duties of administration and the conduct of affairs. There are interesting parallels to be drawn from their scientific work, if we had time to trace them.

Not often is a great man of science a good man of business. HENRY's friends at Princeton, who besought him not to abandon the peaceful academic life which he was enjoying and the quiet pursuits which had given him fame, were surprised when in another sphere he developed equal talents for organization and administration. We have seen how he always developed the talent to do wisely and well whatever he undertook. His well-poised spirit, at once patient and masterful, asserted itself in the trials he encountered in the early years of the Institution, and gave assurance that he could deal with men as well as with the forces of nature.

Again, not often is a man of science free from the overmastering influence of his special pursuit. More or less his "nature is subdued

to what it works in, like the dyer's hand." Now, HENRY's mind was uncolored by the studies of his predilection. His catholic spirit comes out in his definition of science: "Science is the knowledge of the laws of phenomena, whether they relate to mind or matter." It appears in his choice of the investigations to be furthered and memoirs to be published by the Institution. These nowhere show the bias of a specialist.

Then, he was a careful, painstaking man, very solicitous—perhaps unduly anxious—about the particulars of everything for which he felt responsible. Therefore he was sometimes slow in making up his mind on a practical question. May we here condescend to a trivial anecdote of his early boyhood, which he amusingly related to one of us many years ago, and pleasantly recalled at one of our latest interviews. It goes back to the time when he was first allowed to have a pair of boots and to choose for himself the style of them. He was living with his grandmother in the country, and the village cripin could offer no wide choice of patterns; indeed it was narrowed down to the alternative of round toes or square. Daily the boy visited the shop and pondered the question, even while the manufacture was going on, until at length the shoemaker, who could brook no more delay, took the dilemma by both horns and produced the most remarkable pair of boots the wearer ever had; one boot round-toed, the other square-toed.

Deliberate as HENRY was in after years, taught by this early lesson, he probably never again postponed decision till it was too late to choose. One result of due deliberation was that he rarely had to change his mind. When he had taken his course he held to it. His patience and kindness under demands upon his time were something wonderful. Some men are thus patient from easy good-nature; HENRY was so from principle. A noticeable part of the Secretary's correspondence was with a class of men—more numerous than would be supposed—who thought they had discovered new laws of nature, or new applications of them, and who appealed to him to make their discoveries known. The Secretary never returned a curt answer to such appeals or inquiries, whether made personally or by letter. Many are the hours which he would conscientiously devote to these paradoxical schemes—sometimes of wonderful ingenuity—and to the dictation of elaborate replies to them. Detecting far down in the man's mind the germs of the fallacy which had misled him, he would spare no pains to present it and its consequences so plainly to his bewildered correspondent that he could find his own way out of it; while at the same time he awarded full credit for whatever was true, probable, or ingenious.

Although of sensitive spirit and with a just sense of what was due to himself, Professor HENRY kept free from controversy. Once he took up the pen, not because his discoveries were set at naught, but because his veracity was impliedly assailed. His dignified recital of undeniable facts (in his annual report for 1857) was all that was necessary, and not even a word of indignant comment was added.

He left his scientific work to form its part of the history of science and to be judged by scientific men. The empiric he once sententiously defined to be "one who appeals his cause to an incompetent tribunal." He never courted publicity; not from fastidious dislike, still less from disdain of well-earned popular applause, but simply because he never thought of it.

His disinterested devotion to this Institution was shown in many ways; among others in successive refusals to accept increase of salary lest it should be thought that the office he held was lucrative. Twice or thrice, moreover, while the office was cumbered with anxieties, he promptly declined calls to positions of greater emolument, less care, and abundant leisure for the pursuits he loved.

We cannot here continue these delineations, and it may be that the character of the man has portrayed itself in general outlines as the narrative proceeded; but one trait may not be wholly omitted from the biography of one who has well been called "the model of a Christian gentleman," and who is also our best example of a physical philosopher. His life was the practical harmony of the two characters. His entire freedom from the intellectual doubts which disturb some minds is shown in that last letter which he dictated, in which he touches the grounds of faith both in natural and revealed religion; also in his sententious declaration upon some earlier occasion, that the person who thought there could be any real conflict between science and religion must be either very young in science or ignorant of religion.

The man for whom this memorial is placed was a veteran in both; was one of that noble line of natural philosophers for whom we may in all sincerity render to almighty God hearty thanks, not only for the good example and fruit of their lives, but also that, having finished their course in faith, they do now rest from their labors.

READING OF TELEGRAMS.

The VICE-PRESIDENT. Several telegrams from Europe will now be read by Hon. Mr. CLYMER, of the House of Representatives and of the Board of Regents.

Mr. CLYMER. Mr. President, this evening from across the sea there have come to us, by means which his genius and immortal discovery have made possible, messages, telling of the estimation in which the name and fame of HENRY are held in the Motherland. By the request of the Regents, and with your permission, sir, I will read them, so that they may become a part of the record which this nation to-night is

making in honor of our greatest son of science since the days of Franklin. The first I shall read is from the University of Glasgow:

Sir William Thomson, of University of Glasgow, congratulates your nation on a perennial possession. HENRY's name and works are yours forever, though you now mourn the loss of his life among you.

The next is from the Anglo-American Telegraph Company:

The board of directors of this company and myself desire to express our sympathy with the memorial services in honor of the late Professor Henry, which are to take place in your House of Representatives. We sincerely unite in the grief at this irreparable loss with the relatives and friends of this great man, who has rendered such signal services to the science of electricity and to the world in general, by his important discoveries. This company has to mourn the loss of a staunch friend.

The Right Hon. VISCOUNT MONCK,
Chairman of the Anglo-American Company.

The next dispatch is from the Eastern Telegraph Company and the direct United States Cable Company:

Kindly express in the name of my company, directors, and myself our association in spirit with the memorial ceremonies in honor of the late Professor HENRY, whose services have been so great, not only to those interested in electrical science, but to the world at large. The work of such a man as he helps human progress; and Professor HENRY has left a distinct mark on our times. We sympathize with his family in their great bereavement, and feel while they have lost a warm friend the world has lost a great benefactor.

ADDRESS OF PROFESSOR W. B. ROGERS.

Prof. W. B. ROGERS, of Boston, being introduced by the Vice-President, spoke as follows:

In the opening years of the present century a learned Italian philosopher and experimenter devised and brought to the notice of the scientific world a new engine of electric force, a contrivance for accumulating the peculiar form of electric energy, which since the observations of Galvani had engaged the attention of scientific men. So general and profound was the interest created by this discovery that the great First Consul of France invited Volta to Paris, and after witnessing his experiments with the newly invented instrument in the august presence of the National Institute, conferred upon him the highest scientific honors and the most distinguished decorations in his gift.

Striking as was this tribute to the worth and dignity of science, to my mind the present occasion constitutes a far grander recognition than could be accorded by a First Consul of France, though he were Napoleon Bonaparte himself. For here the high functionaries and the chosen representatives of a great people are assembled in its Capitol almost as if by a spontaneous impulse to testify to the worth of science and to do honor to one who has been among the foremost in its advancement, making this, perhaps beyond any former occasion in the world's history, a national testimonial to achievements wrought in the peaceful domain of scientific investigation.

I am unwilling to interpret this noble memorial meeting as inspired simply by a regard for the valuable public services of the philosopher who so wisely, discreetly, and firmly carried out the trust committed to him by the Government of the country. Surely this recognition is largely due to the services which JOSEPH HENRY rendered to mankind by his scientific discoveries and researches. Let the philosopher be ever so great in the administration of affairs, even though these affairs connect themselves directly with the increase and spread of knowledge among men, yet the merit and the glory of the discoverer of great scientific truths transcend the limits of any merely administrative success. Truly, then, this occasion rises to the height of a national recognition of science for its own sake in enlarging the sphere of human intelligence as well as in promoting the material welfare of mankind. I do not doubt that the knowledge of what we are this night doing will everywhere give to men of science a new incentive to labor, and will win for our country an added claim to the honor of an advancing civilization.

That first year of the century which brought to view the electric properties of the Voltaic apparatus opened an active campaign in this department of research among the physicists and chemists of Europe. Within a few months of the announcement of the electric polarity and the physiological effects of the voltaic pile, Nicholson and Carlisle, of England, discovered that its polar wires had the property, in transmitting the current, of decomposing water, and gathering its elements at opposite extremities; and soon with improved forms of the apparatus its marvelous analytic power was brought to bear on other liquids and solutions, until, through the labors mainly of Brazelius and of Davy, the great generalization of electro-positive and electro-negative substances was established, and with it the fruitful theory of the electro-chemical composition of compound bodies.

Greatest among the active investigators of this period was Davy, who, but a few years before an apothecary's apprentice, was now seen, inspired by the enthusiasm of an ardent genius, applying the new instrument of research to yet untried purposes of chemical analysis. Davy was a poet as well as a philosopher, and we can imagine the glow of poetic enthusiasm which warmed his soul when he saw for the first time the fiery globules of potassium gathering and exploding around the electric pole. And well might his present thought exult, for from this and his immediately succeeding discoveries it became established that the fixed alkalies and the earths, till then supposed to be elementary bodies, out of which the solid crust of our globe is constituted, are nothing more than the rust or cinders; that is, the oxides of metals and metalloidal bodies.

Passing from the years 1807-'08, when these splendid discoveries were made, we mark for several years no further brilliant achievement in electrical science, but follow the ingenious labors of distinguished experimenters, including Wollaston of England and Hare of America, in improving the efficiency of the voltaic apparatus, multiplying its applications and giving a broader basis to the laws of electro-chemistry.

A little more than a decade after the era illustrated by Davy's experimental genius, the progress of discovery is signalized by another not less momentous event, that of the discovery by the Danish philosopher, Oersted, of the fundamental fact of electro-magnetism, a single discovery which gave him a celebrity which a life-long devotion to science has often failed to secure.

A relation between electricity and magnetism had long been suspected, but as yet no demonstration of their intrinsic identity had been approached. The electric pile of Volta and the various forms of galvanic battery, exhibiting opposite electrical polarities at their extremities, have a strong analogy to magnetic action, and led in many minds to a suggestion amounting almost to a conviction that there existed an inherent connection between electricity and magnetism.

Hitherto the attempts to discover this connection had been made with galvanic piles or batteries whose poles were not connected by conductors, under the expectation that these would show magnetical relations, although in such cases the electricity, though developed at the extremities, was evidently stagnant. It was reserved for Oersted to discover the fact, previously unsuspected, that it was not while the electricity was thus at rest, but while it was flowing through the wire connecting the two poles, that it exhibited magnetic action. It was his happy fortune first to notice the fact that a wire thus carrying a current was acted upon by a magnet, and that reciprocally it had the power of affecting a magnetic needle in its vicinity, and this was the initial step in the science of electro-magnetism.

The announcement of this discovery in 1820 at once brought into the field a host of experimenters, repeating and extending the observations of Oersted, and by various methods of research multiplying the proofs of the magnetic relations of the voltaic currents.

Soon Arago and Davy discovered the magnetizing power of the voltaic conductor on iron filings, and the former found that when a soft iron wire was placed in a conducting helix it became a temporary magnet as long as the current was maintained. Now came forward to take part in these investigations one who was at the same time a distinguished mathematician and a great experimenter, a combination which is to be regarded as the consummation of power in the investigation and discovery of natural laws.

The French philosopher Ampère, to whom I refer, made the important discovery that when two wires are conveying currents in the same direction they mutually attract, but that when these currents flow in opposite directions the conducting wires repel. His quick imagination led him at once to what may be called the electrical construction of the magnet. To his thought each linear current is but a magnetic element, and every magnet is but a congeries of such currents revolving around its axis; and he said to himself, "I will construct a magnet with copper wires, and without the metal hitherto supposed to be essential to this result, for I will make the current revolve in a copper helix." He did so; suspended the conducting helix, and found, as he had expected, that its ends were attracted and repelled by the poles of the ordinary magnet, and that when free to move it pointed like the compass needle in obedience to the earth's directive power, and that in fact this copper wire had the distinctive properties of a magnet. Ampère has been styled the Newton of electricity, and his electro-dynamic theory of the action of currents and of magnets has been thought worthy, so far as the logic of its demonstration is concerned, of a place near the Principia of Newton.

Electro-dynamic experiments were now rapidly multiplying and numerous ingenious forms of apparatus were contrived to illustrate the actions of currents on each other and of currents on magnets, a class of phenomena which, from their novelty at the time, as well as their intrinsic interest, some of my hearers will recall as having been among the most surprising and fascinating of lecture-room exhibitions.

It was at this stage of discovery that another scientific genius, Faraday, who was destined to be the successor and perhaps more than the equal of his great instructor, Davy, leaving the chemical labors in which he had already attained distinction, entered the field of electrical research.

After aiding Davy in 1820 in repeating and extending Oersted's experiments soon after they had been announced, he succeeded in producing, for the first time, the continuous rotation of a magnet round an electric conductor and the converse rotation of the conductor round the magnet, and a few years later entered upon that series of investigations which, continued for many years, gave to science, as embodied in his well-known "Researches in Electricity," those varied and brilliant discoveries which have placed him in the first rank of the philosophers of modern times.

Allusion has already been made to the observation of Arago in 1820, that an iron wire, surrounded by a helix conducting a voltaic current, became a temporary magnet.

Some years later Schweigger, of Halle, first conceived the idea of greatly augmenting the deviating effect of an electric current on a

magnetic needle by causing it to traverse successive parallel closely adjacent coils of the conducting wire, in which the needle was suspended, and in this way constructed the well-known galvanometer.

At length, in 1825, an English electrician, Sturgeon, who had done much in the contrivance of electro-dynamic apparatus, improved upon Arago's experiment by using an iron wire bent in horse-shoe form covered with non-conducting varnish, around which was wound in an open helix the conducting wire. As long as the voltaic current was allowed to pass through the conductor the inclosed iron wire was made magnetic with poles like those of a horse-shoe magnet. When the current ceased the magnetic force disappeared.

This was Sturgeon's electro-magnet; and although its lifting-power was small—limited at the utmost to a few pounds—it had the merit of being in a practical sense the first electro-magnet.

After making many experiments with this instrument and with currents variously applied, Professor Barlow, an English mathematician and engineer, announced as his conclusion that the current of electricity, under these circumstances, is so greatly retarded in its progress through the wire that in a short distance it is rendered incapable of accomplishing any decided mechanical effect. This discouraging result was made public in the year 1825, when in many quarters schemes began to be proposed for telegraphing through the medium of electric force, and it seems at once to have satisfied the minds of practical and scientific men generally that an electro-magnetic telegraph was impossible.

During all this time America was comparatively silent. It is true that Cox had suggested a chemical telegraph, and Hare had made numerous improvements in galvanic apparatus, but as yet no representative of Franklin had entered the field of electrical research. Soon, however, there appeared on the scene, first as an humble mechanic, then as a country schoolmaster, then as a professor in the Albany Academy, the man whose worth and scientific labors we are assembled to commemorate, and who, in virtue of his various discoveries in electrical science, may well be entitled to the honor of such a representation.

Beginning his career of original experiment in 1827, JOSEPH HENRY early directed his thoughts to the improvement of electro-magnetic apparatus, and especially to the development of increased force in the soft-iron electro-magnet. He took up the rude instrument of Sturgeon, experimented with it, studied the means by which its efficiency could be varied and augmented, and at length succeeded in so modifying its construction and its relation to the exciting current as to convert it into an instrument which instead of being able to bear a few ounces, or at most a few pounds, was capable of sustaining a load of hundreds of pounds, and which by still later improvements, perfected soon after his removal to Princeton, exhibited, under the impulse of but a moderate battery power, the enormous sustaining force of more than three thousand pounds.

I can well remember the astonishment which was created by the announcement of this result and the delight of those who first witnessed it. As might well be imagined, this striking achievement at once drew the attention of the scientific world to the rising American electrician.

It was not that there was extraordinary merit simply in constructing an apparatus which would support one thousand pounds instead of ten, in making a colossal magnet, but the result claimed admiration because of the series of thoughtful experiments leading to it and to yet wider applications; experiments involving an investigation of the laws which regulated the relation between the magnetic bar of iron, the wire or wires which encircled it, the prolonged conductor, and the battery which furnished the power.

Availing himself of the principle already applied in Schweigger's galvanometer, HENRY succeeded in multiplying the effect of the current by causing it to revolve in an insulated wire closely wound about the iron core in coils of many thicknesses; and with this arrangement he compared the forces developed by currents derived from different galvanic elements and through different lengths of conducting wire, and he soon established the fact that such currents were not of necessity quickly spent, as had been maintained by Barlow, but that, under proper conditions, they retained an available magnetizing force after having traversed wires of considerable length. He showed that for securing this persistence over great distances an intensity-battery was required, while for producing great magnetic power near to the source of the current a large surface with but few elements, that is, a quantity-battery should be used; and that in the latter case the effect was greatly increased by using many separate short coils to inclose the magnet, each connected with the galvanic source, or in place of these a single thicker wire, forming thus what he termed a "quantity-magnet."

It was in this stage of his researches that, in 1831-'32, HENRY produced a machine moved by electro-magnetism, and exhibited in the Albany Academy the memorable experiment of transmitting signals by means of his electro-magnet through more than a mile of wire, and soon after pointed out the application of the principles shown to the transmission of intelligence to a distance. This was undeniably the first example of what was virtually an electro-magnetic telegraph, and furnished a scientific foundation for those multiplied inventions which in later years have made the electro-magnetic telegraph coextensive with the civilized world.

We may not here consider the various claims of the ingenious in-

ventors who in later years originated the numerous details of practical telegraphy. It was a period in which discovery and invention were, as it has been said, "in the air;" and it would be impossible to assign to any, even the most illustrious contributors to the result, his own precise share in the general progress.

Not pausing to make further applications of the discoveries we have referred to, so suggestive of great practical use, and not for a moment considering the profitable return which might be secured from them, HENRY, in the spirit of a true lover of science, continued his investigations in the same general field, and after his removal to Princeton made other and larger additions to the store of electrical knowledge. Here, repeating an earlier experiment, he made the important discovery of the reaction of the current upon itself, causing what is called the extra-current, and carried on the very original investigations which revealed the existence and the laws of induced currents of successive orders, which, for their novelty, ingenuity, and conclusiveness in the development of an entirely new class of phenomena, may, I think, be regarded as the most remarkable and classical of his electrical researches.

From this time forward, until his active scientific career was interrupted, and in a measure terminated, by his removal to Washington to assume the great responsibility of the Smithsonian trust, HENRY continued his zealous investigations. Passing in succession into new departments of physical inquiry, including questions in atmospheric electricity, in heat and light, and in molecular physics, and embracing theoretical generalizations on the origin of mechanical power and the nature of vital force, he never failed to enrich with new facts and new suggestions every subject to which his philosophical genius was directed. Indeed, it may well be said of him in connection with science, as once it was said of a literary genius whom the world admires: "*Nihil tetigit quod non ornavit.*"

Into the details of these researches and discoveries, so full of interest to science and so replete with practical suggestions, I am forbidden here to enter, and must leave them to other and abler hands, and to a less popular occasion. Neither can I more than passingly allude to those later labors of HENRY, by which he initiated a system of meteorological research on a uniform method and of national comprehensiveness, nor to the great improvement which he introduced in our light-house illumination and our flag-signals, or in connection with the last, to the admirable series of observations undertaken to elucidate the acoustic phenomena due to variations of atmospheric movement and density, observations in which, as we all know, he was zealously engaged until but a few months before the time when the veteran philosopher was compelled by failing health to retire from the field of his beneficent activity.

On reviewing the long and fruitful career of Professor HENRY we are impressed by his ingenuity and accuracy as an experimentalist and by his clearness and breadth as a scientific thinker. Of the former of these qualifications we have proof in the readiness with which he could devise means, at once simple and efficient, for his investigations, such as are seen in the construction of his first electro-magnetic machine, in the conversion of the electro-magnet into a means of signaling at a distance, in the thermal telescope by which he noted the heat reflected from clouds or distant objects on the land, in his device for measuring the velocity of projectiles, and in that by which he measured the tenacity of liquid films of differing curvature, anticipating Plateau's later and fuller researches, and in numerous other instances which we may not here recount.

Of his clearness and comprehensiveness in the discussion of scientific questions perhaps no better example can be cited than the remarkable paper on the "Origin of mechanical power and the nature of vital force," which, following at a very short interval the publications of Grove, Mayer, and Joule on the conservation of forces, for the first time clearly expounded and illustrated the application of this the grandest of the generalizations of modern science to the organic world.

Ingenious, zealous, and patient in experiment, HENRY was most conscientious in reporting his results, allowing no preconceived theories to modify the record or to warp the conclusions to which it pointed. He loved scientific truth supremely, and the discovery of it was a source of unalloyed delight, for he had early been a greedy seeker of knowledge, and had learned, as Lord Bacon has said, that "while in all other pleasures there is satiety, of knowledge there is no satiety, but satisfaction and appetite are perpetually interchangeable."

As in the case of most men who have attained eminence in science, HENRY used his imagination as a stimulus and even as a guide to his investigations; but while in the course of his work he could not but frame hypotheses, he treated them as but the scaffolding to aid in building the solid structure of physical truth, to be thrown to the ground as soon as the walls were completed.

Professor HENRY was strongly imbued with the spirit of inductive philosophy, and knew how, in searching for a true generalization, to carry out the process of successive exclusion, to try this and then the other experiment in order to discover which of his theories corresponded with the facts, believing, doubtless, with the wittiest of Frenchmen, that a theory is like a mouse, which, after passing through nine holes, may be caught in the tenth.

Although accustomed to distinguish strongly between the merit of the discovery of a scientific principle and that of inventions through

which the principle was to be applied to the world's use, he well knew how inseparable are the two, and how greatly even inventions not directly inspired by science have quickened its march and extended the field of its activity. The large humanity which was a marked feature in his character led him to welcome heartily every instance of inventive application, as well when simply conducive to the welfare of society as when giving to science a new implement for investigation. Indeed, the genius of HENRY was eminently practical, if we extend this term to embrace the highest, widest, and most enduring forms of utility. Valuing highly a legitimate hypothesis, he had, I think, no relish for those flights of the imagination in which men of science sometimes indulge themselves amid regions of pure conjecture or of vague and indeterminate data, in the hope, by the spell of a profound mathematics, to convert shadowy suggestions into substantial truth.

Large and accurate as were his attainments in physical science, HENRY was too modest and too just to dogmatize on questions in regard to which opinions are divided. Whatever were his convictions in matters transcending scientific inquiry and proof, he did not allow them to be the standard by which other consciences were to be judged, and he felt, as I cannot but believe, that dogmatism, where there are grounds for doubt, in any province of thought, is injurious to the cause of truth and incompatible with that genuine philosophy which recognizes how small is the segment of our actual knowledge as compared to the infinite sphere of possible discovery.

In closing this imperfect notice of the labors and the character as a philosopher which have given to JOSEPH HENRY so high a place among the men of science of our day, and have won for him the crowning honor of this national memorial meeting, I am led to allude to the illustration which he has furnished of the peculiar genius and temperament of the American people. In his example we see that combination of the practical and the philosophical which we may claim as characteristic of our nation, and which refutes the charge sometimes made, that, although fertile beyond other nations in invention, we do not rise to the higher level of scientific thought. Nor can I refrain, in this connection, from appropriating to our country the words in which Milton so nobly characterized the capacities of the great nation of which, in his time, we were a part:

A nation not slow and dull, but of a quick, ingenious, and piercing spirit, acute to invent, subtle and sinewy to discourse, and not beneath the reach of any point the highest that human capacity can soar to.

ADDRESS OF HON. JAMES A. GARFIELD.

Mr. GARFIELD, a member of the House of Representatives and of the Board of Regents of the Smithsonian Institution, then delivered the following address:

Mr. PRESIDENT: In the presence of these fathers of science who have honored this occasion with their wisdom and eloquence, I can do but little more than express my gratitude for the noble contribution they have made to this national expression of love and reverence. So completely have they covered the ground, so fully have they sketched the great life which we celebrate, that nothing is left but to linger a moment over the tributes they have offered and select here and there a special excellence to carry away as a lasting memorial.

No page of human history is so instructive and significant as the record of those early influences which develop the character and direct the lives of eminent men. To every man of great original power, there comes in early youth, a moment of sudden discovery—of self recognition—when his own nature is revealed to himself, when he catches, for the first time, a strain of that immortal song to which his own spirit answers, and which becomes thenceforth and forever the inspiration of his life—

"Like noble music unto noble words."

More than a hundred years ago, in Strasbourg on the Rhine, in obedience to the commands of his father, a German lad was reluctantly studying the mysteries of the civil law, but feeding his spirit as best he could upon the formal and artificial poetry of his native land, when a page of William Shakespeare met his eye, and changed the whole current of his life. Abandoning the law, he created and crowned with an immortal name the grandest epoch of German literature.

Recording his own experience, he says:

At the first touch of Shakespeare's genius I made the glad confession that something inspiring hovered above me. * * * The first page of his that I read made me his for life; and when I had finished a single play, I stood like one born blind on whom a miraculous hand bestows sight in a moment. I saw, I felt, in the most vivid manner that my existence was infinitely expanded.

This Old World experience of Goethe's was strikingly reproduced, though under different conditions and with different results, in the early life of JOSEPH HENRY. You have just heard the incident worthily recounted; but let us linger over it a moment. An orphan boy of sixteen, of tough Scotch fiber, laboring for his own support at the handicraft of the jeweler, unconscious of his great power, delighted with romance and the drama, dreaming of a possible career on the stage, his attention was suddenly arrested by a single page of an humble book of science which chanced to fall into his hands. It was not the flash of a poetic vision which aroused him. It was the voice of great Nature calling her child. With quick recognition and glad reverence his spirit responded; and from that moment to the end of his long and honored life, JOSEPH HENRY was the devoted student of science, the faithful interpreter of nature. [Applause.]

To those who knew his gentle spirit, it is not surprising that ever afterward he kept the little volume near him and cherished it as the source of his first inspiration. In the maturity of his fame, he recorded on its fly-leaf his gratitude. Note his words:

This book under Providence has exerted a remarkable influence on my life. * * * It opened to me a new world of thought and enjoyment, invested things before almost unnoticed with the highest interest, fixed my mind on the study of nature, and caused me to resolve at the time of reading it that I would devote my life to the acquisition of knowledge.

We have heard from his venerable associates with what resolute perseverance he trained his mind and marshaled his powers for the higher realms of science. He was the first American after Franklin who made a series of successful original experiments in electricity and magnetism. He entered the mighty line of Volta, Galvani, Oersted, Davy, and Ampère, the great exploring philosophers of the world, and added to their work a final great discovery which made the electro-magnetic telegraph possible.*

It remained only for the inventor to construct an instrument and an alphabet. Professor HENRY refused to reap any pecuniary rewards from his great discovery, but gave freely to mankind what nature and science had given to him. [Applause.]

I observe that these venerable gentlemen who have spoken, express some regret that Professor HENRY left their higher circle to come down to us; and to some extent I share in their regret. Doubtless it was a great loss to science. I remember that Agassiz once said he had made it the rule of his life to abandon any scientific investigation so soon as it became useful. I fancied I saw him and his brethren going beyond the region of perpetual frost, up among the wild elements of nature and the hidden mysteries of science, and when they had made a discovery and brought it down to the line of commercial value, leaving it there, knowing that the world would make it useful and profitable, while they went back to resume their original search. [Applause.] I do not wonder that these men regretted the loss of such a comrade as JOSEPH HENRY.

But something is due to the millions of Americans outside the circle of science; and the Republic has the right to call on all her children for service. It was needful that the Government should have, here at its capital, a great, luminous-minded, pure-hearted man, to serve as its counselor and friend in matters of science. Such an adviser

*As a fuller statement of the steps by which the telegraph was achieved I append a passage from an address which I delivered at the Morse memorial meeting, in the Hall of the House of Representatives, April 16, 1872:

"The electro-magnetic telegraph is the embodiment, I might say the incarnation, of many centuries of thought, of many generations of effort to elicit from nature one of her deepest mysteries.

"No one man, no one century could have achieved it. It is the child of the human race, 'the heir of all the ages.' How wonderful were the steps which led to its creation! The very name of this telegraphic instrument bears record of its history—electric, magnetic."

"The first, named from the bit of yellow amber whose qualities of attraction and repulsion were discovered by a Grecian philosopher twenty-four centuries ago; and the second, from Magnesia, the village of Asia Minor, where first was found the loadstone, whose touch turned the needle forever to the North. These were the earliest forms in which that subtle, all-pervading force revealed itself to men. In the childhood of the race men stood dumb in the presence of its more terrible manifestations. When it gleamed in the purple aurora, or shot dusky-red from the clouds, it was the eye-flash of an angry God, before whom mortals quailed in helpless fear.

"When the electric light burned blue on the spear-points of the Roman legions it was to them and their leaders a portent from the gods beckoning them to victory. When the phosphorescent light, which the sailors still call Saint Elmo's fire, hovered in the masts and spars of the Roman ship, it was Castor and Pollux, twin gods of the sea, guiding the mariner to port, or the beacon of an avenging God luring him to death.

"When we consider the startling forms in which this element presents itself, it is not surprising that so many centuries elapsed before men dared to confront and question its awful mystery. And it was fitting that here, in this new, free world, the first answer came revealing to our Franklin the great truth that the lightning of the sky and the electricity of the laboratory were one; that in the simple electric toy were embodied all the mysteries of the thunderbolt. Until near the beginning of the present century the only known method of producing electricity was by friction. But the discoveries of Galvani in 1790, and of Volta in 1800, resulted in the production of electricity by the chemical action of acids upon metals, and gave to the world the Galvanic battery and the Voltaic pile, and the electric current. This was the first step in that path of modern discovery which led to the telegraph. But further discoveries were necessary to make the telegraph possible.

"The next great step was taken by Oersted, the Swedish professor, who, in 1819-20, made the discovery that the needle when placed near the galvanic battery was deflected at right angles with the electric current. In the four modest pages in which Oersted announced this discovery to the world the science of electro-magnetism was founded.

"As Franklin had exhibited the relation between lightning and the electric fluid, so Oersted exhibited the relation between magnetism and electricity. From 1820 to 1825 his discovery was further developed by Davy and Sturgeon, of England, and Arago and Ampère, of France. They found that by sending a current of electricity through a wire coiled around a piece of soft iron, the iron became a magnet while the current was passing, and ceased to be a magnet when the current was broken. This gave an intermittent power, a power to grapple and to let go at the will of the electrician. Ampère suggested that a telegraph was possible by applying this power to a needle.

"In 1825, Barlow, of England, made experiments to verify this suggestion of the telegraph, and pronounced it impracticable on the ground that the batteries then used would not send the fluid through even two hundred feet of wire without a sensible diminution of its force.

"In 1831, JOSEPH HENRY, now secretary of the Smithsonian Institution, then a professor at Albany, New York, as the result of numerous experiments, discovered a method by which he produced a battery of such intensity as to overcome the difficulty spoken of by Barlow in 1825.

"By means of this, his discovery, he magnetized soft iron at a great distance from the battery, pointed out the fact that a telegraph was possible, and actually rang a bell by means of the electro-magnet acting on a long wire.

"This was the last step in the series of great discoveries which preceded the invention of the telegraph."

was never more needed than at the date of Professor HENRY's arrival at the capital.

The venerable gentleman of almost eighty years, who has just addressed us so eloquently, has portrayed the difficulties which beset the Government in its attempt to determine how it should wisely and worthily execute the trust of Smithsonian. It was a perilous moment for the credit of America when that bequest was made. In his large catholicity of mind Smithsonian did not trammel the bequest with conditions. In nine words he set forth its object—"for the increase and diffusion of knowledge among men." He asked and believed that America would interpret his wish aright and with the liberal wisdom of science.

A town meeting is not a good place to determine scientific truths. And the yeas and nays that are called from this desk from day to day are not the supreme test of science, as the country finds when we attempt to settle any scientific question, whether it relates to the polariscope or to finance. [Laughter.]

For ten years Congress wrestled with those nine words of Smithsonian and could not handle them. Some political philosophers of that period held that we had no constitutional authority to accept the gift at all [laughter] and proposed to send it back to England. Every conceivable proposition was made. The colleges clutched at it; the libraries wanted it; the publication societies desired to scatter it. The fortunate settlement of the question was this: that, after ten years of wrangling, Congress was wise enough to acknowledge its own ignorance, and authorized a body of men to find some one who knew how to settle it. [Applause.] And these men were wise enough to choose your great comrade to undertake the task. Sacrificing his brilliant prospects as a discoverer, he undertook the difficult work. He drafted a paper, in which he offered an interpretation of the will of Smithsonian, mapped out a plan which would meet the demands of science and submitted it to the suffrage of the republic of scientific scholars. After due deliberation it received the almost unanimous approval of the scientific world. With faith and sturdy perseverance, he adhered to the plan and steadily resisted all attempts to overthrow it.

In the thirty-two years during which he administered the great trust, he never swerved from his first purpose; and he succeeded at last in realizing the ideas with which he started. But it has taken all that time to get rid of the incumbrance with which Congress had overloaded the Institution. In this work Professor HENRY taught the valuable lesson to all founders and supporters of colleges, that they should pay less for brick and mortar and more for brains. [Applause.] Under the first orders imposed upon him by Congress, he was required to expend \$25,000 a year in purchasing books. By wise resistance he managed to lengthen out the period for that expenditure ten years; and a few years ago he had the satisfaction of seeing Congress remove from the Institution the heavy load by transferring the Smithsonian library to the Library of Congress. The fifty-eight thousand volumes and forty thousand pamphlets of rare scientific value which are now upon our shelves, have added greatly to the value of the national library; but their care and preservation would soon have absorbed the resources of the Smithsonian. When Congress shall have taken the other incumbrance, the national museum, off the hands of the Institution by making fit provision for the care of the great collection, they will have done still more to realize the ideas of Professor HENRY. [Applause.]

He has stood by our side in all these years, meeting every great question of science with that calm spirit which knew no haste and no rest. At the call of his Government he discovered new truths and mustered them into its service. The twelve hundred light-houses that shine on our shores, the three thousand buoys along our rivers and coasts testify to his faithfulness and efficiency.

When it became evident that we could no longer depend upon the whale fisheries to supply our beacon-lights, he began to search for a substitute for sperm oil; and after a thousand patient experiments he made the discovery that of all the oils of the world, when heated to 250° Fahrenheit, the common, cheap lard oil of America became the best illuminant. That discovery gave us at once an unfailing supply, and for many years saved the Treasury a hundred thousand dollars a year.

He had no such pride of authorship as to cling to his own methods when a better could be found. He has recently tested the qualities of petroleum as an illuminant, and recommended its use for the smaller lights. In instances far too numerous to be recounted we have long had this man as our counselor, our guide, and our friend.

During all the years of his sojourn among us, there has been one spot in this city across which the shadow of partisan politics has never fallen; and that was the ground of the Smithsonian Institution. We have seen in this city at least one great, high trust so faithfully discharged for a third of a century that no breath of suspicion has ever dimmed its record. The Board of Regents have seen Prof. HENRY's accounts all closed; and, after the most rigid examination, the unanimous declaration is made that, to the last cent, during the whole of that period his financial administration was as faultless and complete as his discoveries in science. The blessing of such an example in this city ought at least to do something to reconcile these men of science to the loss they suffered when their friend was called to serve the Government at its capital.

Remembering his great career as a man of science, as a man who served his Government with singular ability and faithfulness, who

was loved and venerated by every circle, who blessed with the light of his friendship the worthiest and the best, whose life added new luster to the glory of the human race, we shall be most fortunate, if ever in the future, we see his like again. [Long continued applause.]

ADDRESS OF HON. S. S. COX.

Mr. COX. Mr. President, we have found by recent sad experiences in this Hall that death is no respecter of persons. Neither is he a respecter of seasons. He may choose the merriest month for the saddest bereavement. In May last, when the sun was warm, the sky blue, the flowers in bloom, and the trees luxuriant in leaf, he entered yonder quaint structure secluded amid its greenery and bore away one of our rarest minds and purest men. By one fatal wrench of his skeleton hand a splendid career of eighty years was closed; in a twinkling the one hard problem of a long and studious life was solved; the wonder-world beyond had become a "discovered country" to JOSEPH HENRY. Its season, we trust, is perpetual May to him, and its new life removed from him, if not from his bereaved family and friends, the sting of death, and from the grave its victory.

The lightning, which had been evoked by him to transmit its instantaneous message to the remotest parts of the earth, sped on its quick errand to tell the learned of all lands that an intellectual magnate had been translated. The magnetic cord whose first duty, as arranged by him, was to send the tidings of a new star over land and under ocean to every seat of science, heralded to all that "God had unloosed his weary star," and that he was a lost luminary in the galaxy of intellect.

Wail! for the glorious Pleiad fled!
Wail! for the ne'er returning star!
Whose mighty music ever led
The spheres in their high homes afar.

Associated with our Government through the Smithsonian Institution, and with the world through the amenities of science which it created, the loss of JOSEPH HENRY is not merely national—it is cosmopolitan, universal. It is fitting that the head of an institution which welcomes all countries and all worlds should have a tribute here worthy of such extended and shining fame.

HONORS TO THE PRINCES OF SCIENCE.

In our federal way, we order condemned cannon to make bronzes for our soldiers. Our land is full of the effigies of military heroes. I have no criticism upon such a patriotic custom. Indeed, I see that the gallant soldier (General Sherman) is to follow me; and I am more than reluctant to suggest a word of dissent from such an honored observance. Our parks display, also, the forms of literary celebrities—Shakespeare, Goethe, Scott, and Burns, and the grand bead-roll, favored of the muses, with only now and then a Humboldt, and a dim memory of Goethe as a devotee of science. The Washingtons and Tells, soldiers and patriots, arouse the enthusiasm of the masses of mankind. This, too, may be well; for the Princes of Science, like Archimedes, Galileo, Kepler, Newton, Gioja, Foricelli, Boyle, Leibnitz, Laplace, Davy, Herschel, Arago, Lyell, Faraday, and HENRY, have their niche in a more exalted and enduring Pantheon.

Bacon, the father of experimental science! What are divines, jurists, statesmen, soldiers, princes, to this great and audacious leader of human investigation for truth against speculation? Newton, of whom Macaulay says that "in no other mind have the demonstrative faculty and the inductive faculty coexisted in such supreme excellence and perfect harmony!" What are the mere temporary favorites of the mass of men compared with him? History gives its muse unbounded license to sing the glories of the Napoleons of our world. They were, indeed, guiding intellects; they were wonderful for civic organization and still more wonderful in their genius for destruction. But to the thoughtful mind their heroism is not comparable with that of Edmund Halley, who investigated the properties of the atmosphere, the tides, magnetism, and the comets, and who periled his life in seeking the distant island of Saint Helena, there to map out in sublime isolation the southern constellations. He was no prisoner, no exile, no modern defiant Prometheus chained to a rock. He was the peaceful observer and serene conqueror of worlds which Alexander never sighed to conquer and which Napoleon never looked upon save in selfish moodiness from that historic rock.

Lord Bacon has been referred to most pertinently by the learned gentleman, (Professor Rogers.) May I make another reference to the father of induction? He gave us written wisdom beyond that of the ancients. He has said that—

Whereas founders of states, law-givers, extirpers of tyrants, fathers of the people were honored but with titles of worthies or demi-gods—inventors were ever consecrated with the gods themselves.

These are golden words. They properly interpret a philosophic mind. In Bacon's meaning of the word inventor, he comprehended those who both discover and apply, originate and use, the secrets of nature for the increase and diffusion of knowledge and the benefaction of mankind.

States come and go; a king to-day is a subject to-morrow; the dis-crowned suzerain of the Orient last year, this year is the vassal of a newly crowned empress. Lawgivers who pursue their tortuous and tangled paths, what can they do among the atoms or the spaces? They appropriate money, fix taxes, raise armies, declare war; but to change one little chemical relation, how powerless! Not all the statutes ever inscribed on parchment can stop soft iron from becoming

a magnet by a certain process of oxidation; yet he who discovered so simple a relation with such magnificent results would have been deified by the Greeks along with that god of beauty who drove the chariot of the sun or that god of strength who colonized men, conquered nature, and achieved civilization along the shores of the classic azure sea. [Applause.]

THE AGE OF PHYSICAL PROGRESS.

In this age of physical progress and grandeur—when experiments show that the “constant elements” are coquetting with us by their inconstancy; when the tough old gases are being tortured, liquefied, and solidified; when oxygen no longer holds out and hydrogen begins to succumb; when microphones, telephones, phonographs, and electric lights and Menlo Park wizards, astound us by their miracles; when cables are duplexed and spectroscopes are bringing down almost to our crucibles those remote stars fixed and “pinnacled dim in the intense inane;” when it is said our gifted sculptress at Rome is harnessing the magnet into a mechanic motor with a force, only not perpetual, thus copying and perhaps utilizing HENRY’S thought and genius of a quarter of century ago; when Lockyer is said to be proving by the bands of the spectrum the unity of nature, by showing that all the elements are in some modification our familiar hydrogen; when the many are made one, or all elements are unified, it is no light honor to be the hero or even one of the heroes of such an age—an age not merely of iron and steam and gold, but emphatically the age of light and lightning! [Applause.]

What Archimedes was to the lever, Newton to gravitation, the Herschels to astronomy, Davy to the mining lamp, Foricelli to the barometer, Giorgi to the compass, Rumford to heat, Faraday to electrochemical affinity, Boyle to pneumatics, Gutenberg to printing, Watt to steam, Fraunhofer to the spectrum, Draper to photography, and what Lockyer is becoming to spectroscopic analysis, that was HENRY to electro-magnetic force. No quest for the holy grail was ever made with more chivalric, vigilant, and reverent pursuit than he made for the subtle and secret forces of the magnet. [Applause.]

HIS PERSONAL QUALITIES.

Yet this man moved in our midst for thirty years, almost unknown to the throng who visit and vanish here with our political vicissitudes. With them he had little or no fame. He pursued no devious path to fleeting honors. But there was nothing wanting to give him present delectation and lasting renown. His old-time courtesy, his charming simplicity, his loving domestic relations, his singleness of purpose, his freedom from sordid, jealous, harsh, and bitter qualities, his chaste, subdued, and genial humor, his pure, poetic, and aesthetic susceptibility, his benignant and dignified manner, his delight in acquiring what he imparted with so much suavity, and his earnest and unobtrusive pursuit of lofty ends through noble means, gave him felicity, ay, even genuine fame, in this life.

HIS RELATION TO THE INSTITUTION.

Called to administer the Smithsonian trust, his conscientious devotion from the first gave it the direction designed by the testator. His aim was to originate and disseminate. He scattered the seed broadcast, not through whim or favoritism, but on a matured plan. His place required a love of science along with a talent for organization. He brought these to bear upon the origination of knowledge, and by his scientific sympathy and ready recognition of others of his guild he commanded honest homage and became the director, helper, and umpire in scientific disputation. Did the War Department require his aid in meteorology? He gave the plan of weather signals. Did the Census Bureau ask his help? He planned the remarkable atlas as to rainfalls and temperature. Did the Coast Survey require scientific suggestion, or the centennial commissioners his judgment, or the new library and the “School of Art” a friend and adviser, or the Light-House Board, laws of certain sound for fogs and cheaper and better illumination? He freely gave what was gladly welcomed. His Institution gave Agassiz opportunity to study fishes, Baird birds, and all students encouragement to investigate our American archaeology and ethnology, as well as our fauna and flora.

The fund which was under his control was scrupulously used. At our annual meetings as regents I cannot fail to recall the blackboard where his fisc was chalked with all the exactness of an old accountant and explained with all the nervous solicitude of a school-boy doing his first sum.

HIS UNSELFISHNESS.

Never was trustee so free from suspicion of personal enrichment. He died as he had lived, with little incumbrance from the dross of the world. Those learned men who have spoken will recall some of his experiments which showed how the metals could permeate each other; he cared more for this than to fill his own coffers with them, howsoever precious.* He was content with the golden key to the enchanted chambers of science. In all his discoveries and with a name whose emphasis was worth millions in speculation, there was not in

his heart a commercial inclination. He was too proud to patent his thoughts. [Applause.] They were the property of mankind made sacred by the seal of Omniscience! He had his own exceeding great reward in their meditation and diffusion. His salary was both income and recompense, and even that, as in the Light-House Board, he refused to touch. He planted the vineyard and others had the fruit and drank the wine thereof. Morse, Graham, Bell, Edison, and others gave to the mysteries which he unshadowed, definite, practical, paying results; but, to use his own words, he never thus compromised his independence. He was hungry and thirsty for knowledge, but not for ease and luxury. To prostitute his knowledge for gain was inexpressible profanation. Not all the bonanzas from the Sierras could tempt him from his rectitude. Without money and without price, he gave what he acquired. To make merchandise in his grand temple and out of his sacred calling was to touch with sacrilegious hands the ark of the covenant he had made as a high priest of nature. His good name was better than riches, and all money which did not contribute to his lofty aims, like the money of the fairy, was as ashes in his sight.

With this idea of his trust, need we wonder at his measureless contempt for the mercenaries and jobbers who filled this city and even dishonored its halls of legislation? His life was a living protest against this age of thrift and greed. He drew his rules of duty not from the silly codes of ostentatious modern society. The wisdom and humanity, embodied in that ancient code of freedom which the mailed barons and the great primate of England coerced from an unwilling king, he applied to his function as a finder and teacher of truth: “We will sell to no man; we will not deny or delay to any man right or justice!” JOSEPH HENRY had, as his organic law from the Magna Charta engraved on the tablet of his being, this affirmation: “*I will sell to no man, nor will I deny or delay to any man the precious knowledge drawn under the providence of God from the arcana of nature.*” [Applause.]

HIS VARIED AND SPECIAL FIELDS.

But it is not by his personal virtues or official trustworthiness that he will be best remembered; not even by his varied accomplishments in the sciences, nor because he was a successful specialist in many fields. Yet how multiplied and diverse were his gifts and services! Did Japan try the experiment of progress, or Kane and Hayes struggle to reach the North Pole and its open sea for discovery—his sympathy was cordial and ready. Was it an engineer, geologist, mechanician, ethnologist, meteorologist, or archaeologist—he was equally at home in each and all. Was it in the practical application of science? As master of acoustics, he applied his researches to buildings for human comfort, and to fog-signals for the saving of values and life. Was it in optics? The greatest star and the least atom were in harmony before his telescope and microscope. Would Government know what projectiles to use in war; would the farmer know how his potatoes and wheat grew, or whence the egg, and how it matured out of the elements into life—would he know when to sow and when to harvest; would the mariner have signals of danger and the merchant, warrior, and diplomat messages as fleet as thought; the knowledge of this philosophic mind rallied to its work, with a zeal which never flagged, and a practical success beyond all expectations and praise. It was his pastime to study the phenomena of storms, with their rain, snow, and hail, and their centers of force.

HIS COMPANIONS IN RESEARCH.

In various branches of physics he was the companion of Hare, Maury, Silliman, Draper, Torrey, Agassiz, Guyot, Gray, Peirce, Bache, and Baird; the student of Newton, Cuvier, Arago, Wollaston, and others of perpetual fame; and the correspondent of Faraday, Tyndal, Proctor, and others of another hemisphere who are engaged in active, daily, arduous duty to science.

SUNBEAM FORCE.

In a tractate which he wrote in December, 1876, concerning his researches while at Princeton, he gives a most interesting account of his contribution with reference to the origin of mechanical power and the nature of vital force. How plainly he defined and how richly he colored this recondite subject! He takes the crust of the earth in a state of equilibrium and describes the substances which constitute that crust, such as acids and bases. He pursues them into a state of permanent combination, inert and changeless. True, he finds what he calls an infinite thin pellicle of vegetable and animal matter on the surface—men and mollusks, Caucasians, congressmen, and conifers, [laughter;] elephants and forests; but all the changes on that surface he refers to a beautiful law of light radiating from celestial space! How comprehensively he generalizes all the prime movers which produce molecular changes in matter!

These he refers to two classes: the first, that of water, tide, and wind power; the second, steam and other powers developed by combustion, and animal power. Gravity, cohesion, electricity, and chemical attraction, while they tend to produce a state of equilibrium or repose on our planet, are only secondary agents in producing mechanical effects. Must not the water have its level on the surface of the ocean? In seeking it, is it not a force for the welfare of man? Yes; but its primary cause of motion is a force, which elevated it in vapor under the radiance of the sunbeam! Combustion, too, is but the passage from an unstable into a stable combination of the carbon and hydrogen of the fuel with oxygen of the atmosphere. These two points he resolves into the force which causes the separation of these

* Another investigation had its origin in the accidental observation of the following fact: A quantity of mercury had been left undisturbed in a shallow saucer with one end of a piece of lead wire, about the diameter of a goose-quill, and six inches long plunged into it, the other end resting on the shelf. In this condition it was found after a few days that the mercury had passed through the solid lead, as if it were a siphon, and was lying on the shelf still in a liquid condition. The saucer contained a series of minute crystals of an amalgam of lead and mercury.—*Letter of Professor Henry, concerning researches at Princeton, December 4, 1876.*

elements from their previous combination in the state of carbonic acid to the radiant heat of the sunbeam! What is the mechanical power exerted by animals? It is but the passage of organized matter in the stomach from an unstable to a stable equilibrium. It is the combustion of food. Animal power, like the combustion of fuel, is potential again in the sunbeam! Arriving thus at the very threshold of the mystery of vitality, he asks: What is its office? Only that of the engineer who directs the power of the engine.

But these exploits and associations, incentives and accomplishments, do not furnish the substantial pediment of HENRY's fame. Did he spend his vacation as Princeton professor in blowing soap-bubbles for a fortnight? It was not the bubble reputation which he sought. He was seeking something less fragile and prismatic; he was then making the law of liquid films and molecular energy. What is he doing with that thermal telescope, so exquisitely constructed, referred to this evening by Professor Rogers, with such loving and delicate analysis, and so recently used in our country under the auspices of Edison? Finding out not merely that the moon has no heat, but measuring the heat of some animate object in a distant field. He is making the type of a mechanism beyond all expression refined. Is he studying the red flame of the sun's corona? It is his mode of reaching out for its temperature and other mysteries which the spectroscope is about revealing; or, mayhap, for Lockyer's or some other protoplasm, revealed by the condensation of all into one!

In all these branches he was a central light. Edmund Spenser has been called the poets' poet. JOSEPH HENRY may be called the *savant* of the physicists. He loved to show what science was in its essence, lifting in living harmony all speculations and experiments into a higher plane; *Scientia scientiarum*! For half a century he never ceased to investigate the uses and the correlation of forces, and the modification and conservation of energy. Here his faith was paramount to his knowledge. Whether the energy possessed by any set of bodies were potential, stored up and unseen, or whether it were visibly performing its work; yet in all its phases he believed it never altered. Wherever it might go, and howsoever it might elude human vigilance, it was not lost. It was conserved. It could not but by "annihilation die," and God permitted no annihilation of his forces. These studies led him to the grand discovery by which he will be ever remembered.

Above all, he was an electrician. Columbus had no better title to the discovery of the new world than HENRY has to the discovery of the principle of the magnetic telegraph. Make a catalogue of his score and more of general and special services in science; digest his thirty years of Smithsonian reports, and at last his simple magnet—the horseshoe—is the emblem and evidence of his power over the wizardry of nature in her most marvelous manifestations. [Applause.]

HOW HE WAS FITTED FOR HIS SPECIAL WORK.

His experiences from youth fitted him for his work. His Scotch Presbyterianism did not unfit him for a combat with the diablerie of the storm. His farmer-boy life gave him thews and sinews and honesty, which his engineering from the Hudson to Erie strengthened for the labor time of closet and laboratory. His experience as jeweler-journeyman gave him a knowledge of mechanism and tools not to be despised in experiment and in an age which Carlyle sings as that of "tools and the man." His attempt to be a physician did not detract from his after studies in chemistry. His profession of mathematics gave precision to his thoughts and calculations. Only one anomaly appears in his early days before the magnetic current attracted him by its spell. He loved fiction, poetry, and play-acting. Like Ampère and other scientists, he, too, had his romantic mood and his tender age. Perhaps this tendency quickened his imagination and gave hope and success to his experiments by its *a priori* allurements. Why should it not? Hypothesis may be delusive; so was alchemy, but it was the progenitor of chemistry. Was not astrology a theory, a poem, a dream? Yet it led up a ladder of stars to the sublimest of sciences. It was said by one of the learned professors (Professor Gray) who spoke this evening that Professor HENRY was not a genius. In the sense of a poetaster of a small coterie and of little fancy, he was no genius. It was said his illumination came slowly and through labor. Ah! so it did, perhaps, until he found the volume that awoke and started his peculiar tendency and talent. He had genius; but he had the masterly genius to curb and control it, to direct and glorify it.

It has been said that at one time he was enamored of the drama and was almost persuaded to make it his permanent occupation. He had a friendship for Damon, and a morbid desire after the melancholy Dane. But he was disenchanted of this illusory ambition by friends who knew his sedate and studious mind, to which an academic course and the little volume on physics, which provoked his curiosity on gravity, gave a useful and permanent bent. Then came, all roseate and radiant, the blossom of that magnificent fruitage which was the promise of a life rounded and full of cautious experiments and philosophic deduction.

HIS METHODS OF RESEARCH AND EDUCATION.

What of fancy he had, he restrained by patience in details and thoroughness in work. Glittering generalization he avoided, as he did controversy. His plan of education for others was that which he applied to himself. He began with the concrete. If indeed Lockyer has found Nature's inner secret, it is by his two thousand photographs

and one hundred thousand observations. If Draper successfully controverts, it will be done by like patience and labor in details. If HENRY succeeded in his grand inquisition, it was by similar detailed labors. While measuring and weighing the forces of nature he cautiously deduced his theory. He gathered the efforts of others—Oersted, Arago, Davy, Sturgeon, and Faraday—in his favorite domain of electro-magnetism and made a sheaf which stood above them all. He forged the viewless vinculum in the chain of causes, which bound the universe of matter and mind in intelligent unity and linked the soul close to the great white throne!

Yet he was in his most special sphere a pioneer who blazed his way through the forest. He was more than the Baptist of a new dispensation of science. He was both herald and hero of our age of electro-magnetic wonders!

DISCOVERER AND INVENTOR.

In speaking of Professor Morse in 1875 in this Hall, I undertook to distinguish between those who found principles and those who adapt them to practical ends. I said: "Your Newtons and Laplaces in the celestial mechanism, and your Aragos, Ampères, and Henrys in electro-magnetism, are not the temporary but the eternal heroes; but the lesser intellect carries off the chaplet and sometimes the lucre." I then gave a history of the electric magnet from its beginning down to Professor HENRY's discovery; and I asserted what I was proud to say during his life, and what all now confess—that Morse was but the inventor of a machine, HENRY the philosophic discoverer of the principle! Others had discovered the relations between magnetism and electricity; and others had made divers limited applications of the magnet, but the inventor of only one form of application carried off the reward.

HIS STEPS TOWARD THE GREAT DISCOVERY.

It may seem to some a little thing to ring a bell at one end of a mile-wire by a current at the other end. It may seem to some a little thing to discover the induction of currents, as HENRY did; or to call in a relay magnet at a distance to help the halting power; or to produce the spark by means of purely magnetic induction. It seemed doubtless to many a foolish thing to talk to members of his family across the Princeton campus by an electric wire, or by a pole from basement to attic in the college have his negro boy play a real fiddle in the cellar whose tune was repeated in a mock fiddle in the garret. But these experiments were the gradations to a higher plane where the genius of his science was consummate.

HIS MAGNETIC RESEARCHES.

Before he began his researches much was known of the electro-magnet. Still it was only a plaything. Its intensity was low and its circuit short. It was as feeble in its energy as the child which toyed with it. It was little besides soft iron. HENRY energizes it so as to make its results stupendous and far-reaching. How? By many turns of a single wire he gives quantity and intensity to the elusive element, so that with his short circuit and united circumvolutions he makes the continuous circuit. Sturgeon's electro-magnets were feeble. They might lift a few ounces. One evening in the midst of his family Professor HENRY is reading an account of Sturgeon's work, when suddenly he exclaims: "I will make an experiment that will astonish the world." Instead of the insulated bar surrounded by an uninsulated coil, he insulates the wire instead of the iron. He employs many more coils and begets the ton-lifting magnet; and lo! there follows in time the telegraph and telephone. This is accomplished simply by the arrangement of the acid and zinc in one way, in his way. He adds to the cells of the battery; and there is literally no limit in distance for the effect. When he found that the power of the battery must be as the length of the conductor, he so intensifies the iron at such a distance that it gives enchantment to this modern Merlin's magic wand of wire. It was not mere by-play when he made a mechanical motor out of his big magnet, nor in overcoming resistance hitherto insurmountable, for distance is resistance. It was not a sportive thing to lift a ton by his magnet; nor was it an inconsequential freak when he severed a current and thus dropped heavy weights at a distance. Such experiments made the lightning his familiar, his demon, his servitor. He lured it into his lecture-room from out of its clouded home in the thunder-storm. He tamed it so that he could bridle, mount, ride, curb, and spur it at will. Thus he planted the germ of a system which now numbers 492,913 miles of intelligent wire, and traverses all climates and dips under all seas. [Applause.]

CONSEQUENCES TO MANKIND.

He stood upon his vantage-ground not only to signal the world by lightning, but to measure time, calculate longitudes, follow the flight of the cannon-ball, and record the stellar motions and transits. It is a remarkable fact that only one improvement in the magnetic system has been made since Professor HENRY gave it to us. It now transmits more than one message at a time. But when Professor HENRY made it phonetic, it so remained. The alphabetic symbols are obsolete. The distant magnet when excited makes its dots and clicks its audible language, just as HENRY designed. Blot out Morse and his machine, and Professor HENRY's instrument, the telegraph, would go on. Like Stephenson's multi-tubular boiler, it remains amid all change; for it is perfect because it has a principle. Discard Professor HENRY's plan, and no message is possible with sound. All the signals, alarms, and devices for distant intelligence have their

fountain in Professor HENRY's brain. Given his brain, and you have Morse, Bell, Edison, and the entire circle of electric inventors.

What a grand occasion was that at the centennial, when Sir William Thompson and Professor HENRY met about the telephone! What fruition of hope! How jocund the exuberant heart leaped up to see fresh evidences of the truth of his early experiments under the rigid laws of science!

HIS SCIENCE AND HIS FAITH.

These laws, however, never shadowed his devotion to the beautiful, good, and true. His modest methods of research, while they extended his knowledge and enlarged his reason, never disturbed his faith. While, like the magnetic needle, it ever pointed in one direction, it was never tremulous with scepticism. He who knew so much of earth, and believed so much of Heaven, had a faith which was larger than his reason. When he said to his students: "We explain a fact, when we refer it to a law"—did he stop there? He bowed reverently, as he added—"When we explain a law, we refer it to the will of God." [Applause.] He never allowed sense to obscure spirit or secondary causes to be primal! He spoke no spell and taught no creed, for evil or chance. He had the eye of reason to guide his radiant path and the ear of faith to inspire and exalt his reason. The impetuosity of the one was tempered by the docility of the other. The dilettante, the mystic, the pantheist, and the transcendentalist were to him less than flippancy and vanity; for he knew the limits of all human philosophy, physical, mental, and ethical, and never leaped the flaming bounds, to raise issues on insoluble problems or dispute the divine mission of Him who spake as never man spake. "That which we know is little, but that which we know not, is immense," exclaimed Laplace; and the humility of Professor HENRY found in his highest aspiration reason for the lowliest modesty. He took shelter in the healing balm of evening from the dazzling radiance of speculation, and in its sweet and inviting undertones found whisperings of infinite love. [Applause.]

During his long life and its closing hours he clung to the Rock of Ages as the foundation of all his knowledge and the source of all his comfort. For him there was no gauge of prayer; for prayer, as he said, was above and beyond science. There was for him no greater light to shine on the daily path of life than that sun of righteousness whose reflection was but the faint illumination in our finite mind.

We have written testimony but a few weeks before his death to his exalted faith in our religion. Amidst a universe of change, where nothing remained the same from one moment to another, and where each moment of recorded time had its separate history, and while a universe of wonders is presented to us in our rapid flight through space, he held to the steadfast truth that after all our attempts to grapple with the problem of the universe, the simplest conception which expands and connects the phenomena of nature is that of the existence of one spiritual Being, infinite in wisdom, in power, and all divine perfections, which exists always and everywhere, which has created us with intellectual faculties in some degree to comprehend his operations as they are developed in nature. This was his divine creed of creeds! It was reconciled with science. He believed that this Infinite Being was unchangeable and that therefore His operations were in accordance with the uniform laws. Finding everywhere evidences of intellectual arrangements as he found them in the operations of man, he inferred that these two classes of phenomena were the results of similar intelligence. He found within himself ideas of right and wrong, and deduced and believed that they formed the basis of our ideas of the moral universe. In other words, he believed in a Divine Being as the director and governor of all, and lived as he died, hoping and praying for His infinite mercy.

Aloof from the lights and shadows of hope and fear, what unimagined and "wondrous glory beyond all glory ever seen" is his to-day! Flowers and fishes, ruins and rivers, skeletons and scoriae, all the forms of things and forces of nature; the motions of wind, tide, and water; the elasticity of steam and the explosions of electricity, which were here in unrest, seeking immobility by laws of their own—all those mobile elements which he demonstrated, were seeking repose even in slag or cinders and seeking it by celestial motions and forces—these are all one to him now! The correlation of forces and the conservation of energy are solved. The principle of chemistry and vitality, of the moving atom and the immortal mind, no longer vex him with their mystery. His soul, which was never tried on earth by the crucible, and his religion which was never limited to the laboratory—whose relief radiance it is ours to recall—has that rest which he observed to be the final law of all animate nature here.

He believed with Oersted that the practice of science was religious worship; and like that Danish physicist—like Faraday and Boyle—"sweetness and light were blended in his pure nature." With unblemished eye, like the eagle, his scientific ken gazed into the sun itself for its revelation; and yet he nestled, dove-like, amidst his human domestic affections. [Applause.] His processes of thought were chastened by his Christ-like life and heavenly faith; and he has his reward in eternal bliss.

When the first telegraphic message went from this capital on the 24th of May, 1844, "What God hath wrought," it but echoed the thought of this reverent thinker, who had discovered its mission, and who thus recognized the infinite intelligence whose processes were beyond human ken. This belief chastened his intellectual dignity, and while it gave him added courage to explore the secrets of

time and space, made his science not that of the carping critic, but of the loving handmaiden of divinity.

If "we are of a nobler substance than the stars;" if "we have faculties while they have none," it is impossible in thinking of JOSEPH HENRY and his life here, to unduly magnify that intellectual orb which when it left our limited horizon, arose upon another world to glorify anew the God of all the graces and the fountain of all the forces! [Long continued applause.]

ADDRESS OF GENERAL W. T. SHERMAN.

General SHERMAN, member of the Board of Regents of the Smithsonian Institution, spoke as follows:

MR. PRESIDENT: Since the beginning the living have paid homage to the virtues of the dead; for immortality is the dream of man. From Agra to Washington scarce a city, town, or village but contains some monument designed to perpetuate the memory of one who has passed from earth. Mountains have been excavated, pyramids built, temples have been erected, and granite, marble, and bronze shaped into every conceivable form, to give expression to honor, respect, affection, and love for some dead hero, warrior, statesman, or philosopher.

These earthly tributes can be of no service to the dead, but they form lasting records of deeds held honorable among men; are strong incentives to noble acts in the present, and mark a steady progress toward that better condition which is the ultimate destiny of the human race.

We are not assembled to-night to shape in marble, or granite, or bronze, the human form of our countryman and friend, Professor JOSEPH HENRY, but in order that those who knew him best may, by simple tributes of thought and feeling, bear public testimony to the merits of one who in our day stood forth as a most resplendent type of moral and intellectual manhood, and who with little thought of self rendered eminent service in the cause of mankind. He needs no monument: for wherever man goes, or human thought travels, the poles and continuous wires will remind him that to Professor HENRY of all men we are most indebted for the inestimable blessings of the telegraph.

From a recent argument by E. N. Dickerson, esq., in a suit in New York City, involving the interests of a certain telegraphic company, I quote a few important statements which ought to go far toward establishing the fame of Professor HENRY as the real inventor of the modern magnetic telegraph. He says:

Before electricity had been enslaved by the genius of man, what was called telegraphic communication was effected by *semaphores*.

When Dr. Franklin drew from the clouds of Heaven the electric spark upon the cord of his kite and identified it with frictional electricity, and when frictional machines were perfected, it seemed obvious that electricity might be made use of for the purposes of telegraphy; and more than a hundred years ago Lesage established an electric telegraph in Geneva, Switzerland, by the use of frictional electricity.

But such electricity proved too weak and uncertain, and the system failed in practice.

Then, when galvanism was discovered, and the galvanic battery invented, it at once was supposed that this new form of electricity might work a telegraph; and the chemical telegraph was invented by Mr. Cox, of Philadelphia, in 1810, who set up the first chemical telegraph in this country, and perhaps the first one in the world.

This too failed. In 1820 Arago and Davy simultaneously discovered that a piece of iron, surrounded by a spiral wire through which a current of galvanism passed, would become magnetic, and many men labored to devise from this a telegraph, but without success.

Ampère deduced the hypothesis that magnetism is the circulation of currents of electricity at right angles to the axis joining the two poles of the magnet, and in 1820 Professor Barlow published a scientific demonstration in England, which was accepted by the scientific world, that an electro-magnetic telegraph was impossible, which was true in the then state of knowledge.

Then came Professor HENRY, who, in 1830, deduced from the hypothesis of Ampère the invention now known as the compound electro-magnet. In that year he constructed an electro-magnet that would sustain one thousand pounds weight; and he answered the demonstration of Barlow, and proved that the electro-magnetic telegraph was possible. In the same year he set up an electro-magnetic telegraph at Albany, over a line of a mile and a half in length, using what is now known as the "polarized relay," between the poles of which a magnetic armature vibrated upon a hinge, as the current of electricity was reversed—the end of the armature striking a sounder, and transmitting the intelligence by sound. This was the first electro-magnetic telegraph (I use the popular phrase) ever made; and it was the first one possible to be made, because, until Professor HENRY's electro-magnet was invented, it was an impossibility. This electro-magnetic telephone, made by Professor HENRY in 1830, is the thing in universal use to-day. It goes by the erroneous name of the "Morse Telegraph," and it will be in use till the end of time. The thing was perfect as it came from the hand of its author, and never has been improved from that day to this as a sounding telegraph.

Then, in 1846, Professor Morse, who had been experimenting on the subject ten years, appeared, and he added to the telephone of HENRY the running slip of paper that converted it into a "telegraph." That invention did not have a very long existence. It passed out of use in a few years; * * * and the world has gone back to Professor HENRY's telephone of 1830, which is now used wherever civilization extends.

This learned lawyer, still addressing the court, thus concludes this branch of his case:

This beautiful thing of which your honor has now so much knowledge—this mysterious telegraph—beginning away off a century ago, and now so developed that man can speak to his fellow-man at the distance of hundreds of miles, as though they were face to face, and can hear the tones of the familiar voice, and the loved

NOTE.—The word "telephone" is used in the above passages as a synonym for "acoustic telegraph," but is ordinarily applied specifically to the vocal telegraph.

accents of him whom he would wish to greet—that beautiful thing has been created by the genius and the efforts of numbers of our fellow-men, whose names ought to be remembered now, when perhaps the most important trial is occurring that ever has been associated with their labors and with their results. Oersted, Arago, Ampere, Davy, Sturgeon, and HENRY are they who made the great discoveries, and added to the treasury of human knowledge the truths upon which these wonderful and beautiful results are produced; and HENRY applied the discoveries so made to the practical result, and created what we now call the electro-magnetic telegraph. Passing by them and coming to the mechanicians—the men who made the new combinations of mechanical devices to utilize those discoveries—we have in order, Morse, Bain, Gintl, Freishen, Bosscha, Kramer, Farmer, Stearnes, Edison—all names worthy of honor and respect. The first are investigators in science, who have discovered new truths, who have ascended from nature to nature's God; who have traced out some of the secret links that bind together humanity and the Supreme Being in one common chain; the others are men who have, by their ingenuity and mechanical skill, developed those discoveries into usefulness, more and more perfect, for man. Let us think of them, and be thankful to them, for what they have done for us. Their names are forever to be associated with this great art, under which so much advance has been made in civilization, in refinement, and in love among men—so much has been done to dispel the dark clouds of war from earth, and make us all one common family—the brotherhood of man.

JOSEPH HENRY was pre-eminently a philosopher, but none the less a hero. His conquest was not over cities razed, homes desolated, or the forms of men crushed and lacerated, but over the obstacles of nature, in mastering her laws and harnessing them to the uses of his fellow-men. No widows or orphans are left to mourn over his victories, but millions who have reason to rejoice in the increased knowledge and stimulated industry which followed in the wake of his intellectual triumphs. By these all men are brought nearer to each other, and the mysterious wires which now connect all parts of the habitable earth have done more to harmonize the prejudices and passions of man than the conquests of Xerxes, Alexander, and Napoleon. No one knew better than Professor HENRY that all of nature's laws had not yet been revealed, and that there remained an infinite field for further exploration and study.

It was a chemist of London who conceived the thought and provided the means whereby Professor HENRY was enabled to accomplish so much further good. Arts may have been lost or forgotten, because no longer needed, and the world's libraries and universities already possessed in abundance the vast accumulations of knowledge which had for ages been garnered and stored away in these valuable repositories of learning, yet nature remained so bountiful that there could be no danger that her fountains would become exhausted, and Mr. Smithson provided for an institution which accepts all the past, and provides only for the future. He endowed munificently the institution (which bears his name here in Washington) for collecting new knowledge, and for distributing it to all parts of the earth. Great was the conception, generous the endowment, and fortunate that the execution fell to the lot of Professor HENRY! Though he loved his country as he loved his family, still, in the matter of science he knew no bounds. The heavens above and the earth beneath were his studio, and his thoughts and his feelings were as boundless as the orbit of the most distant star. Whatever the mind of man could compass—yea, whatever the most oriental imagination could fancy—were to him as precious as the germination of a seed or the blooming of a flower in his own door-yard. The student in Australia or the Fiji Islands knew that any inquiry of him on scientific subjects would receive the same patient, kindly notice as if it came from the most learned professor of Berlin or Stockholm.

In like manner, how patient was he with the young inquirer after truth, and still more with that large class of mechanics who, in their hours of leisure, were working on some long-explored theory or error. He did not upbraid or ridicule honest labor or study, but with simple, kindly language would explain to the comprehension of the most unlearned the immutable laws of nature, and guide his mind and steps back to the right path which would lead him to perfect success.

Professor HENRY always seemed to me to take especial pleasure in every development of science which added to the beautiful in life, or which contributed to the general happiness of mankind. Though great progress had been made in his day, he had an absolute faith that more remained to reward the toil and labor of other students long after he had passed from earth.

For this reason the memory of his life and fame should be treasured by all as an example to the youth of our land, to show that honor and fame may be earned in the school of philosophy as well as in the more tempting and active scenes of public life; and therefore I rejoice that this occasion has been honored by the presence of so marked an audience in this the Hall of Representatives of the Capitol of our nation.

Many students, who at this moment are hard at work on their studies for the advantage of mankind, will feel themselves personally encouraged and honored by the tokens of respect and affection thus paid their prototype, Professor HENRY; and their stimulated labors in the cause of that science he loved so well will erect to him a monument more lasting than of brass or marble.

PRAYER.

The VICE-PRESIDENT. The exercises of the evening will now be concluded with prayer by Rev. Dr. SUNDERLAND.

Rev. Dr. SUNDERLAND offered the following prayer:

Our Father and our God, Thou who dwellest in supernal light, and yet with him who is of an humble and contrite heart—Thou who hast been so often dishonored in the anarchic thoughts of men and yet dost view the same with ineffable patience, uphold us! Fain would we with all our hearts bow before Thee in wonder and adoration.

We give Thee hearty thanks for that creation when the morning stars sang together and for that redemption heralded by a multitude of the heavenly hosts—"Glory to God in the Highest and on earth peace, good-will to men!"

We thank Thee for the mighty train of human generations. We thank Thee for the capacities of the human race opening out toward the future for evermore. We thank Thee for the great nations that have run their course and for the great nations that are still enacting their parts in this wondrous field of time. We thank Thee for the vigor of intelligence and the grandeur of enterprise that have discovered so many great things for man. We thank Thee for the many toilers on every side that are unraveling the secrets of nature and building up a possibility for the still more noble triumphs of the immortal soul.

And we thank Thee for him whose memory, so flagrant, has been made to bloom so freshly in this winter night. God be praised for the name of him in whom knowledge and faith blended their glorious light. God be praised for the evolution and exaltation to which a higher than material philosophy will surely summon all the ignorant and erring families of men. By the brink of the grave, over the end of all that perishes on earth, we read, O God, our Father, that mighty apothegm, "The things that are seen are temporal, the things that are not seen are eternal."

Be very nigh to the hearts that knew him best, and bless them with the blessing he in life invoked. Be very nigh to our rulers and our chiefs, and to all our people in the state and in the church and to all those in our schools and seminaries and laboratories, and in our Congresses and Legislatures who are molding the thoughts of the nations and the civilization of our times. Grant free scope to the awakened faculties of men. Protect the mighty march of the coming millions, and crown their toil with an unfading crown, through Jesus Christ. Amen.

The VICE-PRESIDENT then announced that the exercises of the evening were closed; whereupon the President of the United States with his Cabinet, the Chief-Justice and associate justices of the Supreme Court, and the Senate of the United States with the Vice-President retired from the Hall.

The SPEAKER. The objects of this evening's session as provided for by the order of both Houses of Congress having been fittingly realized, the duty remains to me to declare this House adjourned.

